

## ARTICLE 6

### RELATING TO LICENSING

SECTION 1. Section 3-5-18 of the General Laws in Chapter 3-5 entitled “Licenses Generally” is hereby amended to read as follows:

**3-5-18. Signature on licenses – Posting and exhibition.**

(a) All retail licenses issued under chapter 7 of this title shall bear the signature ~~written by hand,~~ or electronic signature, of the clerk of the licensing board, body, or officials issuing them, and shall not be printed, stamped, typewritten, engraved, photographed or cut from one instrument and attached to another and shall be displayed by the licensee, on the premises and shall be exhibited on demand to any deputy sheriff, to any city or town sergeant, constable, officer or member of the city or town police or to any member of the department of state police or agent of the department.

(b) All retail licenses shall be displayed within the premises but need not be posted. The license shall be exhibited to any deputy sheriff of the county, to any city or town sergeant, constable, officer or member of the city or town police or to any member of the department of state police or agent of the department who request proof that the establishment is duly licensed.

SECTION 2. Section 3-6-13 of the General Laws in Chapter 3-6 entitled “Manufacturing and Wholesale Licenses” is hereby repealed.

**~~3-6-13. License bonds to state-~~**

~~As conditions precedent to the issuance by the department of any manufacturer's license, rectifier's license, wholesaler's Class A license, wholesaler's Class B license, and wholesaler's Class C license under the provisions of this chapter, the person applying for a license shall give bond to the general treasurer of the state in a penal sum in the amount that the department of business regulation requests with at least two (2) resident sureties satisfactory to the department of business regulation, or a surety company authorized to do business in this state as surety, which bond shall be on condition that the licensee will not violate, or suffer to be violated, on any licensed premises under his or her control any of the provisions of this chapter or of chapter 5 of this title or of chapters 10, 34, or 45 of title 11 or §§ 11-2-1, 11-9-13, 11-9-15, 11-11-5, 11-18-2, 11-18-4, 11-20-1, 11-20-2, 11-23-4, 11-31-1 or 11-37-2, 11-37-4 and on condition that the licensee will pay all costs and damages incurred by any violation of any of those chapters or sections and shall also pay to the~~

~~division of taxation the license fee required by this chapter.~~

SECTION 3. Sections 3-6-1, 3-6-1.2, 3-6-3, 3-6-9, 3-6-10, 3-6-11, 3-6-12 of the General Laws in Chapter 3-6 entitled “Manufacturing and Wholesale Licenses” are hereby amended to read as follows:

**3-6-1. Manufacturer's license.**

(a) A manufacturer's license authorizes the holder to establish and operate a brewery, distillery, or winery at the place described in the license for the manufacture of beverages within this state. The license does not authorize more than one of the activities of operator of a brewery or distillery or winery and a separate license shall be required for each plant.

(b) The license also authorizes the sale at wholesale, at the licensed place by the manufacturer of the product of the licensed plant, to another license holder and the transportation and delivery from the place of sale to a licensed place or to a common carrier for that delivery. The license does authorize the sale of beverages for consumption on premises where sold; provided that the manufacturer does not sell an amount in excess of thirty-six ounces (36 oz.) of malt beverage or four and one-half ounces (4.5 oz.) of distilled spirits per visitor, per day, or a combination not greater than three (3) drinks where a drink is defined as twelve ounces (12 oz.) of beer or one and one-half ounces (1.5 oz.) of spirits, for consumption on the premises. The license also authorizes the sale of beverages produced on the premises in an amount not in excess of two hundred eighty-eight ounces (288 oz.) of malt beverages, or seven hundred fifty milliliters (750 ml) of distilled spirits per visitor, per day, to be sold in containers that may hold no more than seventy-two ounces (72 oz.) each. These beverages may be sold to the consumers for off-premises consumption, and shall be sold pursuant to the laws governing retail Class A establishments. The containers for the sale of beverages for off-premises consumption shall be sealed. The license does not authorize the sale of beverages in this state for delivery outside this state in violation of the law of the place of delivery. The license holder may provide to visitors, in conjunction with a tour and/or tasting, samples, clearly marked as samples, not to exceed three hundred seventy-five milliliters (375 ml) per visitor for distilled spirits and seventy-two ounces (72 oz.) per visitor for malt beverages at the licensed plant by the manufacturer of the product of the licensed plant to visitors for off-premises consumption. The license does not authorize providing samples to a visitor of any alcoholic beverages for off-premises consumption that are not manufactured at the licensed plant.

(c) The annual fee for the license is three thousand dollars (\$3,000) for a distillery producing more than fifty thousand (50,000) gallons per year and five hundred dollars (\$500) for a distillery producing less than or equal to fifty thousand (50,000) gallons per year; five hundred dollars (\$500) for a brewery; and one thousand five hundred dollars (\$1,500) for a winery

1 producing more than fifty thousand (50,000) gallons per year and five hundred dollars (\$500) per  
2 year for a winery producing less than fifty thousand (50,000) gallons per year. All those fees are  
3 prorated to the year ending December 1 in every calendar year and shall be ~~paid to the division of~~  
4 ~~taxation and be~~ turned over to the general treasurer for the use of the state.

5 **3-6-1.2. Brewpub manufacturer's license.**

6 (a) A brewpub manufacturer's license shall authorize the holder to establish and operate a  
7 brewpub within this state. The brewpub manufacturer's license shall authorize the retail sale of the  
8 beverages manufactured on the location for consumption on the premises. The license shall not  
9 authorize the retail sale of beverages from any location other than the location set forth in the  
10 license. A brewpub may sell at retail alcoholic beverages produced on the premises by the half-  
11 gallon bottle known as a "growler" to consumers for off the premises consumption to be sold  
12 pursuant to the laws governing retail Class A establishments.

13 (b) The license shall also authorize the sale at wholesale at the licensed place by the  
14 manufacturer of the product of his or her licensed plant as well as beverages produced for the  
15 brewpub and sold under the brewpub's name to a holder of a wholesaler's license and the  
16 transportation and delivery from the place of sale to the licensed wholesaler or to a common carrier  
17 for that delivery.

18 (c) The brewpub manufacturer's license further authorizes the sale of beverages  
19 manufactured on the premises to any person holding a valid wholesaler's and importer's license  
20 under § 3-6-9 or 3-6-11.

21 (d) The annual fee for the license is one thousand dollars (\$1,000) for a brewpub producing  
22 more than fifty thousand (50,000) gallons per year and five hundred dollars (\$500) per year for a  
23 brewpub producing less than fifty thousand (50,000) gallons per year. The annual fee is prorated to  
24 the year ending December 1 in every calendar year and ~~paid to the division of taxation and~~  
25 over to the general treasurer for the use of the state.

26 **3-6-3. Rectifier's license.**

27 The department is authorized to issue rectifiers' licenses in accordance with the provisions  
28 of §§ 3-6-4 – 3-6-8. The fee provided shall be prorated to the year ending December 1 in every  
29 calendar year and be ~~paid to the division of taxation and~~ turned over to the general treasurer for the  
30 use of the state.

31 **3-6-9. Wholesaler's license – Class A.**

32 A wholesaler's license, Class A, authorizes the holder to keep for sale and to sell malt  
33 beverages and wines at wholesale at the place described to holders of licenses under this title within  
34 this state and to holders of wholesale licenses in other states and the transportation and delivery

1 from the place of sale to those license holders or to a common carrier for that delivery. Sales by a  
2 wholesaler in this state to a holder of a wholesale license in another state shall be only to a  
3 wholesaler who is a distributor of the same brand of malt beverages or wines subject to permission  
4 by the department. The license shall not authorize the sale of malt beverages or wines for  
5 consumption on the premises where sold nor their sale for their delivery outside this state in  
6 violation of the law of the place of delivery. The annual fee for the license is two thousand dollars  
7 (\$2,000) prorated to the year ending December 1 in every calendar year, and shall be ~~paid to the~~  
8 ~~division of taxation and~~ turned over to the general treasurer for the use of the state. Whenever any  
9 malt beverages or wines are sold outside the state pursuant to this section, refunds or credits of  
10 import fees previously paid on those malt beverages or wines shall be made to holders of  
11 wholesaler's licenses under this title in accordance with regulations promulgated by the division of  
12 taxation.

13 **3-6-10. Wholesaler's license – Class B.**

14 (a) A wholesaler's license, Class B, authorizes the holder to keep for sale and to sell malt  
15 and vinous beverages and distilled spirits at wholesale, at the place described in the license, to  
16 holders of licenses under this title within this state and to holders of wholesale licenses in other  
17 states and authorizes the transportation and delivery from the place of sale to those license holders  
18 or to a common carrier for that delivery. Sales by a wholesaler in this state to a holder of a wholesale  
19 license in another state shall be only to a wholesaler who is a distributor of the same brand of malt  
20 beverages, vinous beverages, and distilled spirits subject to permission by the state liquor control  
21 administrator. The license shall not authorize the sale of beverages for consumption on the premises  
22 where sold nor the sale of beverages for delivery outside this state in violation of the law of the  
23 place of delivery.

24 (b) The annual fee for the license is four thousand dollars (\$4,000) prorated to the year  
25 ending December 1 in every calendar year, and shall be ~~paid to the division of taxation and~~ turned  
26 over to the general treasurer for the use of the state whenever any malt beverages, vinous beverages,  
27 and distilled spirits are sold outside the state pursuant to this section. Refunds or credits of import  
28 fees previously paid on malt beverages, vinous beverages and distilled spirits shall be made to  
29 holders of wholesaler's licenses under this title in accordance with regulations promulgated by the  
30 division of taxation.

31 **3-6-11. Wholesaler's Class C license.**

32 A wholesaler's Class C license authorizes the holder to manufacture, transport, import,  
33 export, deliver, and sell alcohol for mechanical, manufacturing, medicinal, or chemical purposes  
34 only, or to any registered pharmacist, licensed pharmacy, drug store, or apothecary shop, or to any

1 registered physician or dentist, or to any hospital or educational or scientific institution, for use  
2 other than beverage purposes. The annual fee for the license is two hundred dollars (\$200) and shall  
3 be ~~paid to the division of taxation and~~ turned over to the general treasurer for the use of the state.

4 **3-6-12. Agents' licenses.**

5 Any person who represents a distillery, winery, or brewery is deemed and taken to be acting  
6 as an agent for and on behalf of that distillery, winery, or brewery, and is required to have received  
7 from the department a license to act as an agent. The annual fee for that license is fifty dollars  
8 (\$50.00) ~~paid to the division of taxation~~. The department may, after notice, suspend or revoke any  
9 license for cause.

10 SECTION 4. Section 3-7-15 of the General Laws in Chapter 3-7 entitled "Retail Licenses"  
11 is hereby amended to read as follows:

12 **3-7-15. Class G license.**

13 (a) A Class G retailer's license shall be issued only to any dining car company, sleeping car  
14 company, parlor car company, and railroad company operating in this state, or any company  
15 operating passenger carrying marine vessels in this state, or any airline operating in this state, and  
16 authorizes the holder of the license to keep for sale and to sell in its dining cars, sleeping cars, buffet  
17 cars, club cars, lounge cars and any other cars used for the transportation or accommodation of  
18 passengers, and in or on any passenger-carrying marine vessel, and in any airplane, beverages for  
19 consumption therein or thereon, but only when actually en route.

20 (b) In addition, the holder of the Class G license for a passenger-carrying marine vessel  
21 may serve alcoholic beverages at retail aboard the vessel during the period thirty (30) minutes prior  
22 to the scheduled departure and until departure, provided that the local licensing board annually  
23 consents.

24 (c) Each company or airline to which the license is issued shall pay to the department an  
25 annual fee of two hundred fifty dollars (\$250) for the license, ~~and one dollar (\$1.00) for each~~  
26 ~~duplicate of the license, which fees are~~ paid into the state treasury.

27 (d) The license expires one year from its date and is good throughout the state as a state  
28 license, and only one license is required for all cars or airplanes, but a license issued to any company  
29 or person operating passenger-carrying marine vessels in this state shall authorize the sale of  
30 beverages only in the passenger-carrying marine vessel designated and no further license shall be  
31 required or tax levied by any city or town for the privilege of selling beverages for consumption in  
32 those cars or on those vessels or in those airplanes. Each licensed dining car company, sleeping car  
33 company, and railroad car company shall keep a duplicate of the license posted in each car where  
34 beverages are sold. The department shall issue duplicates of the license from time to time upon the

request of any licensed company ~~upon the payment of the fee of one dollar (\$1.00).~~

SECTION 5. Sections 5-10-16 and 5-10-33 of General Laws in Chapter 5-10 entitled “Barbers, Hairdressers, Cosmeticians, Manicurists and Estheticians” are hereby repealed.

~~**5-10-16. Application of zoning laws.**~~

~~The practice of barbering, manicuring and/or hairdressing, and cosmetic therapy shall be considered a business under the zoning laws of the several cities and towns, and licenses are issued only in compliance with the zoning laws of the city or town in which the shop, place of business, or establishment is located.~~

~~**5-10-33. Payment of fees.**~~

~~All fees that are required to be paid under the provisions of this chapter shall be paid to the department of health and deposited as general revenues.~~

SECTION 6. Sections 5-10-1, 5-10-2, 5-10-4, 5-10-8, 5-10-9, 5-10-9.1, 5-10-10, 5-10-11, 5-10-15, 5-10-23, 5-10-25, 5-10-28, 5-10-32, and 5-10-39 of the General Laws in Chapter 5-10 entitled “Barbers, Hairdressers, Cosmeticians, Manicurists and Estheticians” are hereby amended to read as follows:

**5-10-1. Definitions.**

The following words and phrases, when used in this chapter, are construed as follows:

(1) "Apprentice barber" means an employee whose principal occupation is service with a barber who has held a current license as a barber for at least three (3) years with a view to learning the art of barbering, as defined in subdivision (15) of this section.

(2) "Barber" means any person who shaves or trims the beard; waves, dresses, singes, shampoos, or dyes the hair; or applies hair tonics, cosmetic preparations, antiseptics, powders, oil clays, or lotions to scalp, face, or neck of any person; or cuts the hair of any person; gives facial and scalp massages; or treatments with oils, creams, lotions, or other preparations.

(3) "Board" means the state board of barbering and hairdressing as provided for in this chapter.

(4) "Department" means the Rhode Island department of ~~health~~ [business regulation](#).

(5) "Division" means the division of ~~professional regulation~~ [commercial licensing](#) within the department of ~~health~~ [business regulation](#).

(6) "Esthetician" means a person who engages in the practice of esthetics, and is licensed as an esthetician.

(7) "Esthetician shop" means a shop licensed under this chapter to do esthetics of any person.

(8) "Esthetics" means the practice of cleansing, stimulating, manipulating, and beautifying

1 skin, including, but not limited to, the treatment of such skin problems as dehydration, temporary  
2 capillary dilation, excessive oiliness, and clogged pores.

3 (9) "Hair design shop" means a shop licensed under this chapter to do barbering or  
4 hairdressing/cosmetology, or both, to any person.

5 (10) "Hairdresser and cosmetician" means any person who arranges, dresses, curls, cuts,  
6 waves, singes, bleaches, or colors the hair or treats the scalp, or manicures the nails of any person,  
7 either with or without compensation, or who, by the use of the hands or appliances, or of cosmetic  
8 preparations, antiseptics, tonics, lotions, creams, powders, oils or clays, engages, with or without  
9 compensation, in massaging, cleansing, stimulating, manipulating, exercising, or beautifying, or in  
10 doing similar work upon the neck, face, or arms, or who removes superfluous hair from the body  
11 of any person.

12 (11) "Instructor" means any person licensed as an instructor under the provisions of this  
13 chapter.

14 (12) "Manicuring shop" means a shop licensed under this chapter to do manicuring only  
15 on the nails of any person.

16 (13) "Manicurist" means any person who engages in manicuring for compensation and is  
17 duly licensed as a manicurist.

18 (14) "School" means a school approved under chapter 40 of title 16, as amended, devoted  
19 to the instruction in, and study of, the theory and practice of barbering, hairdressing, and cosmetic  
20 therapy, esthetics, and/or manicuring.

21 (15) "The practice of barbering" means the engaging by any licensed barber in all, or any  
22 combination of, the following practices: shaving or trimming the beard or cutting the hair; giving  
23 facial and scalp massages or treatments with oils, creams, lotions, or other preparations, either by  
24 hand or mechanical appliances; singeing, shampooing, arranging, dressing, curling, waving,  
25 chemical waving, hair relaxing, or dyeing the hair or applying hair tonics; or applying cosmetic  
26 preparations, antiseptics, powders, oils, clays, or lotions to scalp, face, or neck.

27 (16) "The practice of hairdressing and cosmetic therapy" means the engaging by any  
28 licensed hairdresser and cosmetician in any one or more of the following practices: the application  
29 of the hands or of mechanical or electrical apparatus, with or without cosmetic preparations, tonics,  
30 lotions, creams, antiseptics, or clays, to massage, cleanse, stimulate, manipulate, exercise, or  
31 otherwise to improve or to beautify the scalp, face, neck, shoulders, arms, bust, or upper part of the  
32 body; or the manicuring of the nails of any person; or the removing of superfluous hair from the  
33 body of any person; or the arranging, dressing, curling, waving, weaving, cleansing, cutting,  
34 singeing, bleaching, coloring, or similarly treating the hair of any person.

(17) "The practice of manicuring" means the cutting, trimming, polishing, tinting, coloring, or cleansing the nails of any person.

**5-10-2. ~~Creation of division of professional regulation~~ commercial licensing and board of barbering and hairdressing – Powers and duties.**

(a) Within the department of ~~health~~ business regulation there is a division of ~~professional regulation~~ commercial licensing and a board of barbering and hairdressing. The division shall:

(1) Approve all written and practical examinations;

(2) Issue all licenses and permits subsequently provided for in this chapter;

(3) Serve as the sole inspector of sanitation of all establishments licensed under this chapter;

(4) Make any rules and regulations that the division deems necessary or expedient, in conformity with the provisions of this chapter and not contrary to law, for the conduct of the business of barbering and hairdressing and cosmetic therapy or esthetics and manicuring, for the use of appliances, apparatus, and electrical equipment and machines and the establishment of sanitary requirements in all establishments and of all persons licensed under the provisions of this chapter;

(5) Keep a register of all persons and places of business licensed under this chapter;

(6) Keep complete records of all persons and establishments licensed under this chapter;

(7) Summon witnesses and administer oaths; and

(8) Do all things and perform all acts necessary to enforce the provisions of this chapter.

(b) The board of barbering and hairdressing shall have a policy-making role in selection of the examinations. Subsequent to the administration of the examination, the board of examiners shall review the examinations to evaluate their effectiveness. The board shall ~~supervise the operations of~~ provide the division of ~~professional regulation~~ commercial licensing ~~in an advisory capacity~~ advice in promulgating any policy that is necessary to improve the operations of the division in their areas of expertise. The promulgation of that policy is subject to the approval of the director of the department. Members of the board are subject to the provisions of chapter 14 of title 36.

**5-10-4. Board of barbering and hairdressing – Compensation of members.**

No member of the board shall be compensated for his or her services for attendance at meetings of the board, attendance at examinations, but shall be reimbursed by the department of ~~health~~ business regulation for his or her traveling and other expenses incurred in the performance of his or her duties provided in this chapter.

**5-10-8. Issuance of licenses – Qualifications of applicants.**

(a) The division shall issue licenses to persons engaged in, or desiring to engage in, the



1 practice of barbering, hairdressing and cosmetic therapy and/or manicuring or esthetics and for  
2 instructing in any approved school of barbering or hairdressing and cosmetic therapy and  
3 manicuring or esthetics; provided, that no license shall be issued to any person under this chapter  
4 unless the applicant for the license:

5 (1) Is at least eighteen (18) years of age;

6 (2) Is a citizen of the United States of America or has legal entry into the country;

7 (3) Is of good moral character;

8 (4) Is a high school graduate or holds the equivalent ~~or has twenty-five (25) or more years~~  
9 ~~of prior experience in the practice for which the license is sought;~~

10 (5) Has satisfactorily completed the course of instruction in an approved school of  
11 barbering, hairdressing and cosmetic therapy and/or manicuring or esthetics;

12 (6) Has satisfactorily passed a written and a practical examination approved by the division  
13 to determine the fitness of the applicant to receive a license; and

14 (7) Has complied with § 5-10-10 and any other qualifications that the division prescribes  
15 by regulation.

16 ~~(b) Notwithstanding the provision of subdivision (a)(4), on and after July 1, 1997, an~~  
17 ~~applicant seeking licensure as a barber must be a high school graduate or hold the equivalent~~  
18 ~~combination of education and experience.~~

19 (c) The division may license, on a case-by-case basis, with or without examination, any  
20 individual who has been licensed as an esthetician, barber, cosmetologist, electrologist or  
21 manicurist under the laws of another state, which, in the opinion of the division, maintains a  
22 standard substantially equivalent to that of the state of Rhode Island.

23 **5-10-9. Classes of licenses.**

24 Licenses shall be divided into the following classes and shall be issued by the division to  
25 applicants for the licenses who have qualified for each class of license:

26 (1) A "hairdresser's and cosmetician's license" shall be issued by the division to every  
27 applicant for the license who meets the requirements of § 5-10-8 and has completed a course of  
28 instruction in hairdressing and cosmetology consisting of not less than fifteen hundred (1,500)  
29 ~~twelve hundred (1,200)~~ hours of continuous study and practice.

30 (2) An "instructor's license" shall be granted by the division to any applicant for the license  
31 who has held a hairdresser's and cosmetician's license, a barber's license, a manicurist's license, or  
32 an esthetician's license, issued under the laws of this state or another state, for at least the three (3)  
33 years preceding the date of application for an instructor's license and:

34 (i) Meets the requirements of § 5-10-8;

1 (ii) Has satisfactorily completed three hundred (300) hours of instruction in hairdressing  
2 and cosmetology, barber, manicurist, or esthetician teacher training approved by the division as  
3 prescribed by regulation;

4 (iii) Has satisfactorily passed a written and a practical examination approved by the  
5 division to determine the fitness of the applicant to receive an instructor's license;

6 (iv) Has complied with § 5-10-10; and

7 (v) Has complied with any other qualifications that the division prescribes by regulation.

8 (3) A "manicurist license" shall be granted to any applicant for the license who meets the  
9 following qualifications:

10 (i) Meets the requirements of § 5-10-8; and

11 (ii) Has completed a course of instruction, consisting of not less than three hundred (300)  
12 hours of professional training in manicuring, in an approved school.

13 (4) An "esthetician license" shall be granted to any applicant for the license who meets the  
14 following qualifications:

15 (i) Meets the requirements of § 5-10-8;

16 (ii) Has completed a course of instruction in esthetics, consisting of not less than six  
17 hundred (600) hours of continuous study and practice over a period of not less than four (4) months,  
18 in an approved school of hairdressing and cosmetology; and

19 (iii) Any applicant who holds a diploma or certificate from a skin-care school, that is  
20 recognized as a skin-care school by the state or nation in which it is located, and meets the  
21 requirements of [paragraph \(i\) of this subdivision](#) ~~(H)~~, shall be granted a license to practice esthetics;  
22 provided, that the skin-care school has a requirement that, in order to graduate from the school, a  
23 student must have completed a number of hours of instruction in the practice of skin care, which  
24 number is at least equal to the number of hours of instruction required by the division.

25 (5) A "barber" license shall be issued by the division to every applicant for the license who  
26 meets the requirements of § 5-10-8 and:

27 (i) Has completed a course of instruction in barbering consisting of not less than one  
28 thousand five hundred (1,500) hours of continuous study and practice in an approved school;

29 (ii) Has possessed, for at least two (2) years prior to the filing of the application, a certificate  
30 of registration in full force and effect from the ~~department of health of the~~ state specifying that  
31 person as a registered, apprentice barber, and the application of that applicant is accompanied by  
32 an affidavit, or affidavits, from his or her employer, or former employers, or other reasonably  
33 satisfactory evidence showing that the applicant has been actually engaged in barbering as an  
34 apprentice barber in the state during those two (2) years; or

(iii) A combination of barber school training and apprenticeship training as determined by the rules and regulations prescribed by the division.

**5-10-9.1. License portability.**

Notwithstanding any general law, special law, public law, or rule or regulation to the contrary, any licensed barber, hairdresser, cosmetician, manicurist, or esthetician who operates as an independent contractor at any "hair-design shop" licensed pursuant to § 5-10-15, shall be permitted to relocate, without obtaining a new license, to another licensed, hair-design shop once during the term of their one-year license issued by the department of ~~health~~ [business regulation](#).

**5-10-10. Application form – Fee – Expiration and renewal of licenses – Fees.**

(a) Applications for licenses under § 5-10-9 shall be made upon any forms that are prescribed by the division and are accompanied by an application fee established in regulation. The license of every person licensed under §§ 5-10-8 and 5-10-9 shall expire on the thirtieth (30th) day of October of every other year following the date of license. This is determined on an odd-even basis. On or before the first day of September of every year, the ~~administrator of professional regulation~~ [department](#) shall ~~mail an application for~~ [provide notice of](#) renewal of license to people scheduled to be licensed that year on an odd or even basis as to the license number. Every person who wishes to renew his or her license must file with the ~~administrator of professional regulation~~ [department](#) a renewal application duly executed together with the renewal fee as set ~~forth in § 23-1-54~~ [by the department](#). Applications, accompanied by the fee for renewal, shall be filed with the division on or before the fifteenth (15th) day of October in each renewal year. Upon receipt of the application and fee, the ~~administrator of professional regulation~~ [department](#) shall grant a renewal license effective October 1st and expiring two (2) years later on September 30th.

(b) Every person who fails to renew his or her license on or before September 30th following the date of issuance as provided in subsection (a) of this section may be reinstated by the division upon payment of the current renewal fee [and a late fee](#) as set ~~forth in § 23-1-54~~ [by the department](#).

(c) The license shall be on the person at all times while performing the services for which they are licensed.

**5-10-11. Persons licensed in other states.**

(a) Any person licensed to practice barbering, hairdressing, and cosmetic therapy and/or manicuring or esthetics in another state where the requirements are the equivalent of those of this state is entitled to a license as a barber, hairdresser, and cosmetician and/or manicurist or esthetician operator upon the acceptance of his or her credentials by the division; provided, that the state in which that person is licensed extends a similar privilege to licensed barbers, hairdressers, and

1 cosmetic therapists and/or manicurists or esthetics of this state. If a person applies for a hairdressing  
2 license who was licensed in another state where the requirements are not equivalent to those of this  
3 state, the division shall give to that person one hundred (100) hours instructional credit for three  
4 (3) months that the person was licensed and in actual practice, up to a limit of five hundred (500)  
5 hours, in order for that person to meet the requirements for a hairdressing license in this state as  
6 established under the provisions of §§ 5-10-8 and 5-10-9.

7 (b) If a person applies for a manicurist or esthetician license and is currently licensed in  
8 another state, that person may be granted a license if he or she passes the written and practical  
9 examinations conducted by the division.

10 (c) The fee for the application is as set forth in ~~§ 23-1-54~~ by the department; provided, that  
11 the provisions of this chapter shall not be construed as preventing persons who have been licensed  
12 by examination under the laws of other states of the United States or territories and the District of  
13 Columbia from practicing barbering, hairdressing, and cosmetic therapy and/or manicuring or  
14 esthetics in this state for a period of three (3) months; provided, that they apply for and are licensed  
15 in this state within three (3) months from the commencement of their employment. Nor shall it be  
16 construed as prohibiting persons who have been licensed under the laws of another country or  
17 territory from practicing barbering, hairdressing, and cosmetic therapy and/or manicuring or  
18 esthetics in this state; provided, that practice is in conformity with the rules and regulations of the  
19 division; and provided, that in no case shall that practice cover a period of more than three (3)  
20 months from the commencement of that employment.

21 **5-10-15. Licensing of shops.**

22 (a) No shop, place of business or establishment shall be opened or conducted within the  
23 state by any person, association, partnership, corporation, or otherwise for the practice of barbering,  
24 manicuring and/or hairdressing and cosmetic therapy or esthetics until the time that application for  
25 a license to operate that shop, place of business or establishment for the practice of manicuring  
26 and/or hairdressing and cosmetic therapy or esthetics is made, to the division, in the manner and  
27 on the forms that it prescribes, and a license, under the terms and conditions, not contrary to law,  
28 that the division requires shall be granted for it and a license issued.

29 (1) No licenses shall be granted to any shop, place of business, or establishment for the  
30 practice of hairdressing and cosmetic therapy unless the proprietor or a supervising manager in the  
31 practice of barbering, hairdressing and cosmetic therapy, of the shop, place of business, or  
32 establishment is licensed and has been licensed as a licensed barber or hairdresser and cosmetician  
33 for a period of at least one year immediately prior to the filing of the application for the license.

34 (2) No license shall be granted to any shop, place of business, or establishment for the

1 practice of manicuring or esthetics unless the proprietor or a supervising manager of the proprietor  
2 is licensed and has been licensed as a licensed barber, hairdresser and cosmetician, manicurist or  
3 esthetician for a period of at least one year immediately prior to the filing of the application for the  
4 license.

5 (3) The supervising manager shall be registered with the division as the manager of a  
6 licensed shop and shall only be registered to manage one shop at a time. The proprietor of the  
7 licensed shop and the manager shall notify the division, in writing, within ten (10) days upon the  
8 termination of employment as the manager of the licensed shop. The license of the shop shall expire  
9 forty-five (45) days after the division is notified by the proprietor if no new manager is registered  
10 with the division as the supervising manager of the shop.

11 (b) All licenses issued under this section shall terminate on the first day of July following  
12 the date of issue. The fee for the license is as set ~~forth in § 23-1-54~~ [by the department](#).

13 **5-10-23. Fixed place of business.**

14 (a) Except as provided in this section, manicuring, esthetics, barbering and/or hairdressing  
15 and cosmetic therapy, as defined in this chapter, shall be practiced only in a shop licensed under §  
16 5-10-15. Nothing contained in this chapter shall be construed to prohibit the practice of barbering,  
17 manicuring, and hairdressing and cosmetic therapy and esthetics in the same shop or place of  
18 business.

19 (b) Nothing in this section shall restrict a hairdresser licensed pursuant to this chapter,  
20 operating in a licensed nursing service agency, from providing services to an individual who is  
21 homebound at their home. For purposes of this section, "homebound" is defined as any person who  
22 is considered housebound for purpose of federal Medicare eligibility.

23 (c) Nothing in this section shall restrict any person licensed pursuant to this chapter from  
24 providing services to an individual who is homebound at their home as verified by a licensed health  
25 care professional.

26 (d) Nothing in this section shall restrict or prohibit any person licensed pursuant to this  
27 chapter from providing services to an individual residing in any Department of Housing and Urban  
28 Development (H.U.D.) recognized housing for the elderly in the H.U.D. recognized housing in  
29 which the individual resides. Those services shall be provided in a separate room inspected by the  
30 department of ~~health~~ [business regulation](#). Students enrolled in programs of hairdressing, barbering  
31 and/or cosmetology are prohibited in H.U.D. recognized housing.

32 (e) Nothing in this section shall restrict or prohibit any person licensed pursuant to this  
33 chapter from providing services to an individual outside a licensed shop as part of a special occasion  
34 event, such as a wedding or prom, so long as those services are limited to hair styling and makeup,

1 and the health and sanitation standards expected of licensees in licensed shops are followed.

2 **5-10-25. Inspection powers of the division – Denial of access.**

3 Any person employed, authorized and empowered by the division~~–of professional~~  
4 ~~regulation~~ may enter any shop, place of business, or establishment licensed under the provisions of  
5 this chapter during the hours the shop, place of business, establishment, or school of barbering,  
6 manicuring, or hairdressing and cosmetic therapy is open for business, for the purpose of inspecting  
7 its sanitary conditions and ascertaining if the provisions of this chapter and the rules and regulations  
8 for the practice of barbering, hairdressing, and cosmetic therapy as established by the division are  
9 being observed in the operation of that shop or place of business, and failure or refusal of the person  
10 in charge of that shop, place of business, establishment, or school to permit inspection at all  
11 reasonable times is deemed sufficient cause for the revocation of any license issued to that shop,  
12 place of business, or establishment and any certificate of approval issued by the division.

13 **5-10-28. Appeals.**

14 Any person aggrieved by any decision or ruling of the division may appeal it to the  
15 ~~administrator of the division or his or her designee. A further appeal may then be made to the~~  
16 ~~appropriate~~ board of examiners. Any person aggrieved by any decision or ruling of the board may  
17 appeal it to the director of the department. Any further appeal from the action of the director is in  
18 accordance with the provisions of chapter 35 of title 42. For the purpose of this section the division  
19 is considered a person.

20 **5-10-32. Enforcement of chapter – Annual reports.**

21 The division is specifically charged with the enforcement of this chapter, shall investigate  
22 all complaints for violations of the provisions of this chapter, ~~and shall hold a hearing upon any~~  
23 ~~complaint for any violation of the chapter within thirty (30) days after the filing of the complaint~~  
24 ~~and render a decision, in writing, within ten (10) days from the close of the hearing.~~ If the division  
25 finds that any of the provisions of this chapter have been violated, it shall immediately institute ~~any~~  
26 ~~criminal~~ prosecution that the violation warrants.

27 **5-10-39. Demonstrator's permit.**

28 The division may, in its discretion, issue to any person recognized by the division as an  
29 authority on, or an expert in, the theory or practice of barbering, hairdressing, and cosmetic therapy  
30 and/or manicuring or esthetics, and is the holder of a current esthetician's, manicurist's or a barber's,  
31 hairdresser's, and cosmetician's license in this state, another state, or the District of Columbia, a  
32 demonstrator's permit for not more than six (6) days' duration for educational and instructive  
33 demonstrations; provided, that the permit shall not be used in the sense of a license to practice  
34 barbering, manicuring, esthetics, or hairdressing and cosmetic therapy. The fee for the permit is as

1 set ~~forth in § 23-1-54~~ by the department.

2 SECTION 7. Section 5-25-10 of the General Laws in Chapter 5-25 entitled “Veterinary  
3 Practice” is hereby amended to read as follows:

4 **5-25-10. Qualifications for licensure.**

5 Any applicant for licensure shall submit to the department written evidence on forms  
6 furnished by the department ~~verified by oath~~ that the applicant meets all of the following  
7 requirements:

8 (1) Is a graduate of a school or college of veterinary medicine recognized and accredited  
9 by the American Veterinary Medical Association and by the department or certification by the  
10 Educational Council for Foreign Veterinary Graduates;

11 (2) Pays an application fee as set forth in § 23-1-54 at the time of submitting the application,  
12 which, in no case is returned to the applicant;

13 (3) Is of good moral character, evidenced in the manner prescribed by the department; and

14 (4) Complies with any other qualifications that the department prescribes by regulation;  
15 and

16 (5) Comply with the continuing education requirements adopted by the department.

17 SECTION 8. Section 5-30-6 of the General Laws in Chapter 5-30 entitled “Chiropractic  
18 Physicians” is hereby amended to read as follows:

19 **5-30-6. Qualifications and examinations of applicants.**

20 Every person desiring to begin the practice of chiropractic medicine, except as provided in  
21 this chapter, shall present satisfactory evidence to the division of professional regulation of the  
22 department of health, ~~verified by oath~~, that he or she is more than twenty-three (23) years of age,  
23 of good moral character, and that before he or she commenced the study of chiropractic medicine  
24 had satisfactorily completed credit courses equal to four (4) years of pre-professional study  
25 acceptable by an accredited academic college and obtained a bachelor of science or bachelor of arts  
26 degree and subsequently graduated from a school or college of chiropractic medicine approved by  
27 the division of professional regulation of the department of health, and has completed a residential  
28 course of at least four (4) years, each year consisting of at least nine (9) months study. Any qualified  
29 applicant shall take an examination before the state board of chiropractic examiners to determine  
30 his or her qualifications to practice chiropractic medicine. Every applicant for an examination shall  
31 pay a fee as set forth in § 23-1-54 for the examination to the division of professional regulation.  
32 Every candidate who passes the examination shall be recommended by the division of professional  
33 regulation of the department of health to the director of the department of health to receive a  
34 certificate of qualification to practice chiropractic medicine.



SECTION 9. Sections 5-26-2 and 5-26-3 of the General Laws in Chapter 5-26 entitled “Division of Profession Regulation” are hereby amended to read as follows:

**5-26-2. Boards of examiners appointed by director of health.**

The director of health, with the approval of the governor, shall also appoint to the division of professional regulation a board of nursing registration and education as provided by chapter 34 of this title, and a board of examiners of each of the following arts, practices, sciences, or callings: ~~barbering~~, podiatry, chiropractic, (except as provided in § 5-30-1.1) psychology, optometry, ~~electrolysis~~, and physical therapy; ~~and a board of five (5) examiners in speech pathology, audiology, and embalming.~~ Those boards shall perform the duties prescribed by chapters ~~10~~, 29, 30, (except as provided in § 5-30-1.1), ~~32, 33~~, 34, 35, 40, ~~and 44~~, ~~and 48~~ of this title.

**5-26-3. Qualifications of examiners.**

The examiners appointed for each specific art, practice, science, or calling referred to in § 5-26-2 shall be persons competent to give those examinations and shall be appointed from persons licensed to practice such an art, practice, science, or calling in this state, except that one member of each of the chiropractic, ~~and electrolysis~~ boards shall be a physician licensed to practice medicine in the state.

SECTION 10. Sections 5-32-2, 5-32-3, 5-32-4, 5-32-6, 5-32-7, 5-32-9, 5-32-11, 5-32-12, 5-32-13, 5-32-19 and 5-32-20 of the General Laws in Chapter 5-32 entitled “Electrolysis” are hereby amended to read as follows:

**5-32-2. Penalty for unlicensed practice.**

Every person who subsequently engages in the practice of electrolysis in this state without being licensed by the board of examiners in electrolysis is practicing illegally and, ~~upon conviction~~, shall be fined not more than twenty-five dollars (\$25.00) and every day of the continuation of illegal practice is a separate ~~offense~~ violation.

**5-32-3. Certificates – Applications – Penalty for violations.**

The division of ~~professional regulation~~ commercial licensing of the department of ~~health~~ business regulation shall issue certificates to practice electrolysis, as defined in this chapter, to any persons that comply with the provisions of this chapter. Any person who desires to engage in that practice shall submit, in writing, in any form that is required by the ~~board~~ department, an application for a certificate to engage in that practice. The application shall be accompanied by a fee as set ~~forth in § 23-1-54~~ by the department of business regulation. Any person, firm, corporation or association violating any of the provisions of this chapter ~~commits a misdemeanor and, upon conviction~~, shall be punished by a fine not to exceed two hundred dollars (\$200), ~~or imprisoned for a period not to exceed three (3) months, or both the fine and imprisonment.~~



1           **5-32-4. Qualifications of applicants.**

2           Licenses to engage in the practice of electrolysis shall be issued to the applicants who  
3           comply with the following requirements:

4           (1) Are citizens or legal residents of the United States.

5           (2) Have attained the age of eighteen (18) years.

6           (3) Have graduated from a high school or whose education is the equivalent of a high school  
7           education.

8           (4) Have satisfactorily completed a course of training and study in electrolysis, as a  
9           registered apprentice under the supervision of a licensed Rhode Island electrologist who is qualified  
10          to teach electrolysis to apprentices as prescribed in § 5-32-20, or has graduated from a school of  
11          electrolysis after having satisfactorily completed a program consisting of not less than six hundred  
12          fifty (650) hours of study and practice in the theory and practical application of electrolysis. That  
13          apprenticeship includes at least six hundred and fifty (650) hours of study and practice in the theory  
14          and practical application of electrolysis within a term of nine (9) months; provided, that the  
15          apprentice registers with the division of professional regulation of the department of health upon  
16          beginning his or her course of instruction, and the licensed person with whom they serve that  
17          apprenticeship keeps a record of the hours of that instruction, and, upon the completion of that  
18          apprenticeship, certifies that fact to the board of examiners in electrolysis.

19          (5) Is of good moral character.

20          (6) Passes an examination approved by the department of ~~health~~ [Business Regulation](#).

21           **5-32-6. Examination of applicants – Expiration and renewal of certificates.**

22          (a) Examination of applicants for certificates shall be held at least twice a year in the city  
23          of Providence and may be held elsewhere at the discretion of the division of ~~professional regulation~~  
24          [commercial licensing](#) of the department ~~of health~~ [business regulation](#). The division has the power  
25          to adopt, change, alter and amend, rules and regulations for the conducting of those examinations,  
26          and may fix the fee for reexamination. The division shall issue to each person successfully passing  
27          the examination, where an examination is required, and who satisfies the division of his or her  
28          qualifications, a certificate, signed ~~by the administrator~~ [an authorized person](#) of the division,  
29          entitling him or her to practice that business in this state for the annual period stated in the  
30          certificate, or until the certificate is revoked or suspended, as subsequently provided.

31          (b) All certificates shall expire on the 30th day of April of each year, unless sooner  
32          suspended or revoked, and shall be renewed for the next ensuing year by the division upon payment  
33          to the division of an annual renewal fee as set ~~forth in § 23-1-54~~ [by the department](#) for each renewal.

34           **5-32-7. Certification of licensees from other states.**

Any person licensed to practice electrolysis in any other state or states, ~~who is, or in good~~  
~~faith intends to become, a resident of this state,~~ where the requirements are the equivalent of those  
of this state and who meets the requirements of this chapter shall be entitled to take that examination  
and, if he or she passes that examination, shall be, upon the payment of a fee as set ~~forth in § 23-1-~~  
~~54~~ by the department of business regulation, entitled to be licensed under the provisions of this  
chapter.

**5-32-9. Fixed place of business – Sanitary regulation.**

The practice of electrolysis shall be engaged in only in a fixed place or establishment,  
which place or establishment shall be provided with any instruments, implements, and equipment  
and subject to any sanitary regulation and inspection that the division of ~~professional regulation~~  
commercial licensing of the department of ~~health~~ business regulation prescribes.

**5-32-11. Display of licenses – Revocation or suspension of licenses for gross**  
**unprofessional misconduct.**

(a) Every license issued under this chapter shall specify the name of the person to whom it  
was issued and shall be displayed prominently in the place of business or employment. The division  
of ~~professional regulation~~ commercial licensing of the department of ~~health~~ business regulation has  
the power to revoke or suspend any license of registration issued under this chapter for gross  
unprofessional conduct. Gross unprofessional conduct is defined as including, but not limited to:

(1) The use of any false or fraudulent statement in any document connected with the  
practice of electrolysis.

(2) The obtaining of any fee by fraud or misrepresentation either to a patient or insurance  
plan.

(3) The violation of a privileged communication.

(4) Knowingly performing any act which in any way aids or assists an unlicensed person  
to practice electrolysis in violation of this chapter.

(5) The practice of electrolysis under a false or assumed name.

(6) The advertising for the practice of electrolysis in a deceptive or unethical manner.

(7) Habitual intoxication or addiction to the use of drugs to the extent it impairs the  
licensee's ability to engage in the practice of his or her profession.

(8) Violations of any of the rules or regulations of the state department of ~~health~~ business  
regulation, or the violation of any section of this chapter.

(9) Gross incompetence in the practice of his or her profession.

(10) Repeated acts ~~of immorality or repeated acts~~ of gross misconduct in the practice of his  
or her profession.

1 (b) Before any license is suspended or revoked, its holder shall be notified, ~~in writing, of~~  
2 ~~the charge or charges preferred against him or her and shall have a reasonable time to prepare his~~  
3 ~~or her defense and has the right to be represented by counsel and to be heard and to present his or~~  
4 ~~her defense~~ and afforded an opportunity for hearing in accordance with the Administrative  
5 Procedures Act, chapter 35 of title 42. Any person whose license has been suspended or revoked  
6 may apply to have the license reissued and the license may be reissued to him or her upon a  
7 satisfactory showing that the cause for disqualification has ceased. The division of ~~professional~~  
8 ~~regulation~~ commercial licensing of the department of ~~health-business regulation~~ has power ~~by its~~  
9 ~~administrator~~ to summon any person to appear as a witness and testify at any hearing of the division,  
10 to examine witnesses, administer oaths and punish for contempt any person refusing to appear or  
11 testify. The division shall ~~serve~~ provide a copy of its decision or ruling upon any person whose  
12 license has been revoked or refused.

13 **5-32-12. Appeals from division.**

14 Any person aggrieved by any decision or ruling of the division of ~~professional regulation~~  
15 commercial licensing of the department of ~~health-business regulation~~ may appeal that decision to  
16 the superior court in the manner provided in the Administrative Procedures Act, chapter 35 of title  
17 42.

18 **5-32-13. Annual renewal of certificates.**

19 All certificates issued under the provisions of this chapter shall be renewed annually by the  
20 holders of the certificate at an annual renewal fee as set ~~forth in § 23-1-54~~ by ~~the division of~~  
21 ~~professional regulation of~~ the department ~~of health~~.

22 **5-32-19. Apprenticeship register.**

23 The division of ~~professional regulation~~ commercial licensing of the department of ~~health~~  
24 business regulation shall keep a ~~register in which~~ record of the names of all persons serving  
25 apprenticeships licensed under this chapter shall be recorded. This register is open to public  
26 inspection.

27 **5-32-20. Qualifications for teaching electrolysis.**

28 (a) A person, in order to qualify as an instructor or teacher of electrolysis to apprentices,  
29 must:

30 (1) Have been actively engaged as a licensed practitioner of electrolysis for at least five (5)  
31 years.

32 (2) Pass a state board examination specifically designed to evaluate his or her qualifications  
33 to teach electrolysis.

34 (3) Be a high school graduate or the equivalent.

(b) Upon satisfactorily passing this examination, the division of ~~professional regulation~~ commercial licensing of the department of ~~health business regulation~~ shall issue a license to the person upon the payment of a fee as set ~~forth in § 23-1-54~~ by the department.

(c) A qualified licensed electrologist shall not register more than one apprentice for each nine-month (9) training period.

SECTION 11. Sections 5-33.2-1, 5-33.2-2, 5-33.2-3, 5-33.2-5, 5-33.2-12, 5-33.2-13, 5-33.2-13.1, 5-33.2-13.2, 5-33.2-15, 5-33.2-16, 5-33.2-18, 5-33.2-19, 5-33.2-20 and 5-33.2-22 of the General Laws in Chapter 5-33.2 entitled "Funeral Director/Embalmer Funeral Service Establishments" are hereby amended to read as follows:

**5-33.2-1. Definitions.**

As used in this chapter:

(1) "Board" means the state board of funeral directors/embalmers.

(2) "Cremation" means a two (2) part procedure where a dead human body or body parts are reduced by direct flames to residue which includes bone fragments and the pulverization of the bone fragments to a coarse powdery consistency.

(3) "Department" means the Rhode Island department of ~~health~~ business regulation.

(4) "Division" means the division of ~~professional regulation~~ commercial licensing created under chapter 26 of this title.

(5) "Embalmer" means any person who has completed an internship, full course of study at an accredited mortuary science school, has passed the national board examination and is engaged in the practice or profession of embalming, as defined in this section.

(6) "Embalming" means the practice, science or profession of preserving, disinfecting, and preparing in any manner, dead human bodies for burial, cremation or transportation.

(7) "Funeral" means a period following death in which there are religious services or other rites or ceremonies with the body of the deceased present.

(8)(i) "Funeral directing" means:

(A) Conducting funeral services; or

(B) The arrangement for disposition of dead human bodies, except in the case of any religion where the preparation of the body or the provision of funeral services should be done according to religious custom or belief.

(ii) Only funeral directors/embalmers, working for a licensed funeral establishment are allowed to meet with families for the purpose of arranging funerals. Provided, that any person who assumed an ownership interest from their spouse or any widow or widower of a licensed funeral director who at the time of November 1, 1995 has been meeting with families to arrange for the

conducting of funeral services are allowed to continue this practice.

(9) "Funeral director/embalmer" means any person engaged, or holding himself or herself out as engaged in the practice or profession of funeral directing, and the science, practice or profession of embalming as previously defined, including a funeral director of record, who may be a funeral director at more than one establishment or any other word or title intending to imply or designate him or her as a funeral director/embalmer, undertaker, or mortician. The holder of this license must be the holder of an embalmer's license.

(10) "Funeral director/embalmer intern" means any person engaged in learning the practice, or profession of funeral directing and the science, practice or profession of embalming under the instruction and supervision of a funeral director/embalmer licensed and registered under the provisions of this chapter and actively engaged in the practice, or profession of funeral directing and embalming in this state.

(11) "Funeral establishment" means a fixed place, establishment or premises, licensed by the department, devoted to the activities which are incident, convenient, or related to the care and preparation, arrangement, financial and otherwise, for the funeral, transportation, burial or other disposition of human dead bodies and including, but not limited to, a suitable room with all instruments and supplies used for the storage and/or preparation of dead human bodies for burial or other disposition.

(12) "Funeral merchandise" means those items which are normally presented for sale as part of the funeral home operation on a for profit basis. These items include caskets, sealed warranted outer burial containers, and burial clothing. Not included are urns, grave markers, and non-sealed outer burial containers. All persons engaged in the sale of funeral merchandise must comply with the provisions of chapter 33 of this title.

(13) "Person" includes individuals, partnership, corporations, limited liability companies, associations and organization of all kinds.

(14) "Practice of funeral service" means a person engaging in providing shelter, care and custody of human dead remains; in the practice of preparing of the human dead remains by embalming or other methods for burial or other disposition; in entering into a funeral service contract; engaging in the functions of funeral directing and/or embalming as presently known including those stipulated within this chapter and as defined in the federal trade commission "funeral rule". The practice of conducting funeral services is conducted in the presence of a licensed funeral director/embalmer.

**5-33.2-2. Board of examiners – Qualifications and removal of members – Vacancies.**

(a) The members of the board of examiners in embalming shall be residents of this state

1 for at least five (5) years; three (3) of whom shall have had at least five (5) years' practical  
2 experience in embalming dead human bodies and in funeral directing, and shall have been actually  
3 engaged in these professions in this state and two (2) of whom shall be private citizens who  
4 represent the consumer and who are not involved with or affiliated with, financial or otherwise, any  
5 funeral establishment and/or funeral director/embalmer. The current members shall serve their  
6 present term as they fulfill the requirements of this section. No member shall serve more than two  
7 (2) consecutive terms.

8 (b) The director of the department of ~~health~~ [business regulation](#) may remove any member  
9 of the board for cause. Vacancies are filled ~~pursuant to § 5-26-4~~ [by the director of the department](#).

10 **5-33.2-3. Rules and regulations.**

11 The director of the department of ~~health~~ [business regulation](#) has the power to adopt any  
12 rules and regulations not inconsistent with law, which he or she deems necessary, in carrying out  
13 the purposes of this chapter ~~and for the prevention of and transmission of disease~~.

14 **5-33.2-5. Application for license – Application fee.**

15 Any person who desires to engage in embalming or funeral directing, or both, shall submit,  
16 in writing, to the division of professional regulation, an application for a license. That application  
17 shall be accompanied by a fee set by the department of ~~health~~ [business regulation](#).

18 **5-33.2-12. Funeral establishment and branch offices licenses.**

19 (a) No person, association, partnership, corporation, limited liability company or  
20 otherwise, shall conduct, maintain, manage, or operate a funeral establishment or branch office  
21 unless a license for each funeral establishment and branch office has been issued by the department  
22 and is conspicuously displayed. In the case of funeral services conducted under the license of a  
23 funeral establishment held in any private residence, public building or church, no separate  
24 establishment license shall be required. A licensed funeral establishment must be distinct and  
25 separate from other non- funeral service related activity for which it is licensed. No license to  
26 operate a funeral establishment shall be issued by the department unless the applicant for the funeral  
27 establishment license has registered with the department a licensed funeral director/embalmer who  
28 shall be in charge as the funeral director of record. The branch office of a funeral establishment  
29 must have a separate branch office establishment license but not a separate funeral director of  
30 record. One branch office shall be allowed to operate under the funeral establishment license, and  
31 this one branch office may be permitted to operate without a preparation room. Applications for  
32 the funeral establishment license and branch office shall be made on forms furnished by the division  
33 accompanied by the application fees as set ~~forth in § 23-1-54~~ [by the department](#). Upon receipt of a  
34 completed application and the recommendation of the board, the division shall issue a license. All

1 funeral establishment and branch office licenses shall expire on the thirty-first day of December of  
2 each year, unless sooner suspended or revoked. A license shall be issued to a specific licensee for  
3 a specific location and is not transferable. The funeral establishment licensee shall notify the  
4 division, in writing, delivered in person or by certified mail, within ten (10) days from the date of  
5 termination of employment, for any cause, of the funeral director/embalmer of record with the  
6 division for the funeral establishment. The license of the funeral establishment shall expire forty-  
7 five (45) days from the date the division was notified by the licensee, if no new funeral  
8 director/embalmer is registered with the division. No funeral services shall be conducted at the  
9 funeral establishment without a funeral director/embalmer being registered with the division as the  
10 funeral director of record for that funeral establishment. Two (2) licensed funeral directors may  
11 operate jointly at one location if one of their existing funeral establishments closes its place of  
12 business and joins an existing licensed funeral establishment. Each firm will hold its own separate  
13 establishment license. One cannot operate a branch office by invoking this section. Human dead  
14 remains shall not be held more than forty-eight (48) hours without embalming or without  
15 refrigeration for the purpose of maintaining public health. A funeral establishment must at the  
16 minimum contain a preparation room equipped with tile, cement, or composition floor, necessary  
17 drainage and ventilation, and containing necessary instruments and supplies for the preparation and  
18 embalming of dead human remains for burial, transportation, or other disposition.

19 (b) Any person who inherits any ownership interest to a funeral establishment may continue  
20 to conduct the business of that establishment as their ownership interest would allow upon the  
21 following:

22 (1) Filing with the division a statement of change of fact concerning that inheritance.

23 (2) Conducting the business of the establishment in compliance with all the requirements  
24 of this chapter.

25 **5-33.2-13. Funeral establishment and branch officer – Crematories – Inspections –**  
26 **Denial of access.**

27 (a) Any licensed funeral director/embalmer employed, authorized and empowered by the  
28 division of ~~professional regulation~~ [commercial licensing](#) may enter any funeral establishment,  
29 funeral establishment branch office or crematory licensed under the provisions of this chapter,  
30 during the hours the funeral establishment, funeral establishment branch office or crematory is open  
31 for business, for the purpose of inspecting the sanitary conditions, complaint investigations, and  
32 ascertaining if the provisions of this chapter and the rules and regulations are being observed in the  
33 operation of the funeral establishment, funeral establishment branch office or crematory. The  
34 inspector may request permission from the department to be accompanied by another employee of



1 the department of ~~health~~ [business regulation](#) prior to an inspection. Failure or refusal of the person  
2 in charge of that funeral establishment, funeral establishment branch office or crematory to permit  
3 the inspection at all reasonable times shall be deemed sufficient cause for the revocation of any  
4 license issued to the funeral establishment, funeral establishment branch office or crematory and  
5 any certificate of approval issued by the division.

6 (b) Funeral establishments and branch offices and crematories licensed under the  
7 provisions of this chapter shall be inspected at least ~~twice~~ [once](#) each year. Inspections shall include  
8 all areas of sanitation and public health, complaint investigations, as well as conformity with  
9 applicable section of this chapter and the rules and regulations.

10 **5-33.2-13.1. Crematories – License and inspection.**

11 No crematory owned or operated by or located on property licensed as a funeral  
12 establishment or at another location or by a cemetery shall conduct cremations without first having  
13 applied for and obtained a license from the department. Applications for the crematory license shall  
14 be made on forms furnished by the division accompanied by the application fee as set ~~forth in §~~  
15 ~~23-1-54~~ [by the department](#). Upon receipt of a completed application, the department shall issue a  
16 license. A license shall be issued to a specific licensee for a specific location and is not transferable.  
17 The facility and licensee shall meet all requirements as prescribed by the rules and regulations  
18 established by the department, not inconsistent with this chapter.

19 **5-33.2-13.2. Cremation of human remains.**

20 (a)(1) Cremation shall not take place until the necessary permits and consents are issued  
21 pursuant to § 23-3-18.

22 (2) A crematory shall not take custody of unidentified human remains.

23 (3) Human remains designated for cremation shall be cremated without unreasonable  
24 delay.

25 (4) When the crematory is unable to cremate the human remains immediately upon taking  
26 custody, the crematory shall provide a holding facility that complies with any applicable public  
27 health law that preserves the dignity of the human remains.

28 (5) Holding facilities must be secure from access by all unauthorized persons;

29 (6) A crematory shall not simultaneously cremate more than one human remain within the  
30 same cremation chamber. The processing, packaging, storage and disposition of cremated remains  
31 shall be as prescribed in the rules and regulations promulgated by the department of ~~health~~ [business](#)  
32 [regulation](#) division of ~~professional regulation~~ [commercial licensing](#).

33 (7) A crematory or funeral home shall be authorized to dispose of the cremated remains  
34 which have been abandoned at the crematory or funeral home for more than six (6) months. All



1 reasonable attempts must be made and diligence exercised to contact the person in charge who  
2 authorized the cremation.

3 (b) This section does not apply to the cremation of various body parts from different human  
4 bodies

5 **5-33.2-15. Annual renewal of licenses.**

6 All licenses issued under the provisions of this chapter must be renewed annually by their  
7 holders, who shall pay to the division a yearly renewal fee for the renewal of a funeral  
8 director/embalmer's license, and additional fees for each funeral establishment branch office license  
9 and for the crematory license. These fees are as set forth in ~~§ 23-1-54~~ [by the department](#). On or  
10 before the fifteenth day of November in each year, the division shall ~~mail to~~ [notify](#) each licensed  
11 funeral director/embalmer and to each licensed funeral establishment, funeral establishment branch  
12 office and crematory ~~an application for the~~ [of their obligation to](#) renewal. Applications,  
13 accompanied by the fee for renewal, shall be filed with the division on or before the thirty-first day  
14 of December in each year. Applications filed after the thirty-first of December and on or before the  
15 fifteenth of January must be accompanied by a [late](#) fee as set forth in ~~§ 23-1-54~~ [by the department](#)  
16 for funeral director/embalmers and funeral establishments in addition to the previously established  
17 renewal fees. Any funeral director/embalmer who acts or holds himself or herself out as a funeral  
18 director/embalmer after his or her certificate has been lapsed shall be punished as provided in this  
19 chapter. Any funeral establishment, funeral establishment branch office or crematory who acts or  
20 holds itself out as a funeral establishment after its license has lapsed shall be punished as provided  
21 in this chapter.

22 **5-33.2-16. Funeral director/Embalmer – Internship.**

23 (a) Nothing in this chapter shall be construed as prohibiting any person from serving as a  
24 funeral director/embalmer intern. Before an internship begins the person desiring to become an  
25 intern shall register with the division on any forms that it prescribes. No person under the age of  
26 eighteen (18) years shall be permitted to register as an intern. The division may make any rules and  
27 regulations that it deems advisable for the supervision of interns. All persons registering as an intern  
28 shall pay a fee as set forth in ~~§ 23-1-54~~ [by the department](#) at the time of the registration. That intern  
29 is not permitted to advertise or hold himself or herself out to the public as a registered funeral  
30 director/embalmer. The term of internship shall be not less than one year; provided, that if an intern  
31 after having served his or her internship fails to pass the examination for a funeral  
32 director/embalmer's license or fails to embalm fifty (50) human remains during their internship, he  
33 or she may continue their internship. The total term of internship must be completed within five (5)  
34 years from the date of original registration.

1 (b) The intern must have assisted in embalming at least fifty (50) bodies if the period for  
2 registered internship is to be satisfied in one year. If the internship is for more than one year, the  
3 applicant must embalm at least twenty-five (25) bodies for each year of their internship. Each  
4 licensed funeral establishment embalming up to one hundred fifty (150) human remains per year  
5 shall be allowed to register one intern at one time. Each establishment embalming more than one  
6 hundred fifty (150) but less than three hundred (300) human remains per year shall be allowed to  
7 register two (2) interns at one time. Each establishment embalming three hundred (300) or more  
8 human remains per year shall be allowed to register three (3) interns at one time.

9 **5-33.2-18. Summons of witnesses.**

10 The ~~division~~ department has power ~~by its administrator~~ to summon any person to appear  
11 as a witness and testify at any hearing of the division under the provisions of this chapter and to  
12 examine and to administer oaths to those witnesses.

13 **5-33.2-19. Appeals.**

14 Any person aggrieved by any decision or ruling of the division may appeal ~~that decision to~~  
15 ~~the administrator of the division or his or her designee. A further appeal may then be made~~ to the  
16 appropriate board of examiners. Any person aggrieved by any decision or ruling of that board may  
17 appeal the decision to the director of the department. Any further appeal from the action of the  
18 director shall be in accordance with the provisions of chapter 35 of title 42, "Administrative  
19 Procedures Act." The division shall be considered a person for the purposes of this section.

20 **5-33.2-20. Restricted receipts accounts for fees.**

21 All the proceeds of any fees collected pursuant to the provisions of this chapter, shall be  
22 placed in a restricted receipts accounts, which is used for the general purposes of the division of  
23 ~~professional regulation~~ commercial licensing with the department of ~~health~~ Business Regulation.

24 **5-33.2-22. Complaints of violations.**

25 (a) Complaints for violation of the provisions of this chapter or of any lawful rules or  
26 regulation made under this chapter by the division may be made by the administrator of the division  
27 or by any person authorized by the administrator or a member of the public, who shall be exempt  
28 from giving surety for costs on that complaint.

29 (b) ~~All complaints filed with the division charging a person or establishment with having~~  
30 ~~been guilty of any actions specified in this chapter or the rules and regulations must be sworn and~~  
31 ~~notarized.~~ Complaints for violation of the provisions of this chapter or of any lawful rules or  
32 regulation made under this chapter by the division may be made by the administrator of the division  
33 or by any person authorized by the administrator or a member of the public, who shall be exempt  
34 from giving surety for costs on that complaint.

SECTION 12. Sections 5-35.2-1, 5-35.2-2, 5-35.2-3, 5-35.2-4, 5-35.2-6, 5-35.2-11 and 5-35.2-12 of the General Laws in Chapter 5-35.2 entitled "Opticians" are hereby amended to read as follows:

**5-35.2-1. Definitions.**

As used in this chapter:

(1) "Advisory committee" means the advisory committee of opticianry as established herein.

(2) "Department" means the department of ~~health~~ [business regulation](#).

(3) "Director" means the director of the department of ~~health~~ [business regulation](#).

(4) "Optician" means a person licensed in this state to practice opticianry pursuant to the provisions of this chapter.

(5) "The Practice of Opticianry" means the preparation or dispensing of eyeglasses, spectacles, lenses, or related appurtenances, for the intended wearers, or users, on prescription from licensed physicians or optometrists, or duplications or reproductions of previously prepared eyeglasses, spectacles, lenses, or related appurtenances; or the person who, in accordance with such prescriptions, duplications or reproductions, measures, adapts, fits, and adjusts eyeglasses, spectacles, lenses, including spectacles add powers for task specific use or occupational applications, or appurtenances, to the human face. Provided, however, a person licensed under the provisions of this chapter shall be specifically prohibited from engaging in the practice of ocular refraction, orthoptics, visual training, the prescribing of subnormal vision aids, telescopic spectacles, fitting, selling, replacing, or dispensing contact lenses.

**5-35.2-2. Qualification of optician applicants.**

(a) Every applicant for licensure shall present satisfactory evidence, ~~in the form of affidavits properly sworn to,~~ that he or she:

(1) Is of good moral character; and

(2) Has graduated from a two (2) year school of opticianry approved by the New England Association of Schools and Colleges or an equivalent regional accrediting authority or other accrediting authority as may be approved by the department with consultation from the advisory committee; and

(3) Has successfully passed the national opticianry competency examination or any other written examination approved by the department with consultation from the advisory committee; and

(4) Has successfully passed a practical examination approved by the department with consultation from the advisory committee.

(b) Every applicant for licensure who is or has been licensed in an alternate jurisdiction shall present satisfactory evidence ~~in the form of affidavits properly sworn to~~ that he or she:

(1) Is of good moral character; and

(2) Has graduated from high school; and

(3) Has graduated from a two (2) year school of opticianry approved by the New England Association of Schools and Colleges or an equivalent regional accrediting authority or other accrediting authority as may be approved by the department with consultation from the advisory committee; or has successfully completed a two (2) year opticianry apprenticeship program; and

(4) Has held a valid license to practice opticianry in another state for at least one year and was in good standing during that time; and

(5) Has practiced opticianry in this or any other state for a period of not less than one year; and

(6) Has successfully passed the national opticianry competency examination or any other written examination approved by the department with consultation from the advisory committee; and

(7) Has successfully passed a practical exam approved by the department with consultation from the advisory committee.

**5-35.2-3. Optician's biennial license fee.**

Every applicant shall pay to the department a fee as set ~~forth in § 23-1-54~~ [by the department](#) which shall accompany his or her application for a license. No one shall be permitted to practice opticianry without a valid license.

**5-35.2-4. Advertising by opticians.**

This division of ~~professional regulation~~ [commercial licensing](#), in addition to conducting the examinations, licensing, and registering of opticians, shall make rules and regulations governing advertising by opticians. The division shall have the power to revoke the license of any optician violating those rules and regulations.

**5-35.2-6. Freedom of choice for eye care.**

Where the contracts call for the expenditure of public or private funds involving Medicaid and RIte Care, Medicare, or supplemental coverage for any purpose relating to eyewear, and as it pertains to opticianry, the distribution, dispensing, filling, duplication and fabrication of eyeglasses or optical prosthesis by opticians as defined in § ~~5-35.1-1~~ [5-35.2-1](#), those health plans or contracts are required to notify by publication in a public newspaper published within and circulated and distributed throughout the state of Rhode Island, to all providers, including, but not limited to, opticians, within the health plan's or contract's geographic service area, of the opportunity to apply

1 for credentials, and there is no discrimination as to the rate or reimbursement for health care  
2 provided by an optician for similar services as rendered by other professions pursuant to this  
3 section. Nothing contained in the chapter shall require health plans to contract with any particular  
4 class of providers.

5 **5-35.2-11. Construction of glass lenses – violations – penalty.**

6 (a) No person shall distribute, sell, or delivery any eyeglasses or sunglasses unless those  
7 eyeglasses or sunglasses are fitted with heat-treated glass lenses, plastic lenses, laminated lenses,  
8 or lenses made impact resistant by other methods. The provisions of this subsection do not apply if  
9 a physician or optometrist, having found that those lenses will not fulfill the visual requirements of  
10 a particular patient, directs, in writing, the use of other lenses and gives written notification to the  
11 patient. Before they are mounted in frames, all impact-resistant eyeglasses and sunglass lenses,  
12 except plastic lenses, laminated lenses, and raised ledge multifocal lenses must withstand an impact  
13 test of a steel ball five-eighths (5/8) of an inch in diameter weighing approximately fifty-six  
14 hundredths of an ounce (0.56 oz) dropped from a height of fifty inches (50"). Raised ledge  
15 multifocal lenses are capable of withstanding the impact test but do not need to be tested beyond  
16 initial design testing. To demonstrate that all plastic lenses and laminated lenses are capable of  
17 withstanding the impact test, the manufacturer of the lenses shall subject to the impact test a  
18 statistically significant sampling of lenses from each production batch, and the tested lenses are  
19 representative of the finished forms as worn by the wearer. Plastic prescription and plastic non-  
20 prescription lenses, tested on the basis of statistical significance, may be tested in uncut finished or  
21 semi-finished form at the point of original manufacture.

22 (b) Any person ~~convicted of~~ who ~~violating~~ violates the provisions of this section shall be  
23 punished by a fine of not less than five hundred dollars (\$500) for each violation.

24 **5-35.2-12. Penalty for violations.**

25 Any person who violates the provisions of this chapter shall be punished by a fine or not  
26 more than two hundred dollars (\$200) or shall be imprisoned for not more than three (3) months  
27 for each ~~offense~~ violation.

28 SECTION 13. Sections 5-48-1, 5-48-2, 5-48-3 and 5-48-9 of the General Laws in Chapter  
29 5-48 entitled "Speech Pathology and Audiology" are hereby amended to read as follows:

30 **5-48-1. Purpose and legislative intent – Definitions.**

31 (a) It is declared to be a policy of this state that the practice of speech language pathology  
32 and audiology is a privilege granted to qualified persons and that, in order to safeguard the public  
33 health, safety, and welfare, protect the public from being misled by incompetent, unscrupulous, and  
34 unauthorized persons, and protect the public from unprofessional conduct by qualified speech

1 language pathologists and audiologists, it is necessary to provide regulatory authority over persons  
2 offering speech language pathology and audiology services to the public.

3 (b) The following words and terms when used in this chapter have the following meaning  
4 unless otherwise indicated within the context:

5 (1) "Audiologist" means an individual licensed by the board to practice audiology.

6 (2) "Audiology" means the application of principles, methods, and procedures related to  
7 hearing and the disorders of the hearing and balance systems, to related language and speech  
8 disorders, and to aberrant behavior related to hearing loss. A hearing disorder in an individual is  
9 defined as altered sensitivity, acuity, function, processing, and/or damage to the integrity of the  
10 physiological auditory/vestibular systems.

11 (3) "Board" means the state board of examiners for speech language pathology and  
12 audiology.

13 (4) "Clinical fellow" means the person who is practicing speech language pathology under  
14 the supervision of a licensed speech language pathologist while completing the postgraduate  
15 professional experience as required by this chapter.

16 (5) "Department" means the Rhode Island department of ~~health~~ [business regulation](#).

17 (6) "Director" means the director of the Rhode Island department of ~~health~~ [business](#)  
18 [regulation](#).

19 (7) "Person" means an individual, partnership, organization, or corporation, except that  
20 only individuals can be licensed under this chapter.

21 (8)(i) "Practice of audiology" means rendering or offering to render any service in  
22 audiology, including prevention, screening, and identification, evaluation, habilitation,  
23 rehabilitation; participating in environmental and occupational hearing conservation programs, and  
24 habilitation and rehabilitation programs including hearing aid and assistive listening device  
25 evaluation, prescription, preparation, dispensing, and/or selling and orientation; auditory training  
26 and speech reading; conducting and interpreting tests of vestibular function and nystagmus;  
27 conducting and interpreting electrophysiological measures of the auditory pathway; cerumen  
28 management; evaluating sound environment and equipment; calibrating instruments used in testing  
29 and supplementing auditory function; and planning, directing, conducting or supervising programs  
30 that render or offer to render any service in audiology.

31 (ii) The practice of audiology may include speech and/or language screening to a pass or  
32 fail determination, for the purpose of initial identification of individuals with other disorders of  
33 communication.

34 (iii) A practice is deemed to be the "practice of audiology" if services are offered under any

1 title incorporating such word as "audiology", "audiologist", "audiometry", "audiometrist",  
2 "audiological", "audiometrics", "hearing therapy", "hearing therapist", "hearing clinic", "hearing  
3 clinician", "hearing conservation", "hearing conservationist", "hearing center", "hearing aid  
4 audiologist", or any similar title or description of services.

5 (9)(i) "Practice of speech language pathology" means rendering or offering to render any  
6 service in speech language pathology including prevention, identification, evaluation, consultation,  
7 habilitation, rehabilitation; determining the need for augmentative communication systems,  
8 dispensing and selling these systems, and providing training in the use of these systems; and  
9 planning, directing, conducting, or supervising programs that render or offer to render any service  
10 in speech language pathology.

11 (ii) The practice of speech language pathology may include nondiagnostic pure tone air  
12 conduction screening, screening tympanometry, and acoustic reflex screening, limited to a pass or  
13 fail determination, for the purpose of performing a speech and language evaluation or for the initial  
14 identification of individuals with other disorders of communication.

15 (iii) The practice of speech language pathology also may include aural rehabilitation, which  
16 is defined as services and procedures for facilitating adequate receptive and expressive  
17 communication in individuals with hearing impairment.

18 (iv) A practice is deemed to be the "practice of speech language pathology" if services are  
19 offered under any title incorporating such words as "speech pathology", "speech pathologist",  
20 "speech therapy", "speech therapist", "speech correction", "speech correctionist", "speech clinic",  
21 "speech clinician", "language pathology", "language pathologist", "voice therapy", "voice  
22 therapist", "voice pathology", "voice pathologist", "logopedics", "logopedist", "communicology",  
23 "communicologist", "aphasiology", "aphasiologist", "phoniatrist", or any similar title or description  
24 of services.

25 (10) "Regionally accredited" means the official guarantee that a college or university or  
26 other educational institution is in conformity with the standards of education prescribed by a  
27 regional accrediting commission recognized by the United States Secretary of Education.

28 (11) "Speech language pathologist" means an individual who is licensed by the board to  
29 practice speech language pathology.

30 (12) "Speech language pathology" means the application of principles, methods, and  
31 procedures for prevention, identification, evaluation, consultation, habilitation, rehabilitation,  
32 instruction, and research related to the development and disorders of human communication.  
33 Disorders are defined to include any and all conditions, whether of organic or non-organic origin,  
34 that impede the normal process of human communication in individuals or groups of individuals

1 who have or are suspected of having these conditions, including, but not limited to, disorders and  
2 related disorders of:

3 (i) Speech: articulation, fluency, voice, (including respiration, phonation and resonance);

4 (ii) Language (involving the parameters of phonology, morphology, syntax, semantics and  
5 pragmatics; and including disorders of receptive and expressive communication in oral, written,  
6 graphic, and manual modalities);

7 (iii) Oral, pharyngeal, laryngeal, cervical esophageal, and related functions (e.g.,  
8 dysphasia, including disorders of swallowing and oral function for feeding; oro-facial  
9 myofunctional disorders);

10 (iv) Cognitive aspects of communication (including communication disability and other  
11 functional disabilities associated with cognitive impairment); and

12 (v) Social aspects of communication (including challenging behavior, ineffective social  
13 skills, lack of communication opportunities).

14 **5-48-2. Board of examiners – Composition – Appointments, terms and qualifications**  
15 **of members.**

16 (a) There exists within the department of ~~health~~ [business regulation](#) a board of examiners  
17 of speech language pathology and audiology. The board shall consist of five (5) persons who are  
18 residents of the state, and who have worked within the state for at least one year prior to their  
19 appointments.

20 (1) Two (2) members shall be speech language pathologists who have practiced speech  
21 language pathology for at least five (5) years preceding appointment, are currently practicing  
22 speech language pathology, and hold active and valid licensure for the practice of speech language  
23 pathology in this state.

24 (2) One member shall be an audiologist who has practiced audiology for at least five (5)  
25 years immediately preceding appointment, is currently practicing audiology, and holds active and  
26 valid licensure for the practice of audiology in this state.

27 (3) One member shall be an otolaryngologist who holds certification by the American  
28 Academy of Otolaryngology – head and neck surgery, who is currently practicing otolaryngology,  
29 and holds active and valid licensure as a physician within this state.

30 (4) One member shall be a representative of the consumer public who is not associated  
31 with or financially interested in the practice or business of speech language pathology or audiology.

32 (b) All appointments to the board shall be for the term of three (3) years. Members shall  
33 serve until the expiration of the term for which they have been appointed or until their appointed  
34 successors are qualified.



(c) When a vacancy upon the board occurs, the director of the department of ~~health~~[business regulation](#) shall, with the approval of the governor, appoint persons who are working within the state to fill the remainder of the vacant term.

(d) The board shall reorganize annually during the month of January and shall select a chairperson.

(e) A majority of currently filled positions shall constitute a quorum to do business.

(f) No person shall be appointed to serve more than two (2) consecutive terms.

~~(g) The first board and all future members shall be appointed by the director of the department of health, with the approval of the governor.~~

~~(h g)~~ The director of the department of ~~health~~[business regulation](#), with the approval of the governor, may remove any member of the board for dishonorable conduct, incompetency, or neglect of duty.

**5-48-3. Board of examiners – Duties and powers – Meetings – Compensation of members.**

(a) The board shall administer, coordinate, and enforce the provisions of this chapter, evaluate the qualifications of applicants, and may issue subpoenas, examine witnesses, and administer oaths, conduct hearings, and at its discretion investigate allegations of violations of this chapter and impose penalties if any violations of the chapter have occurred.

(b) The board shall conduct hearings and keep records and minutes as necessary to an orderly dispatch of business.

(c) The board shall, with the approval of the director of the department of ~~health~~[business regulation](#), adopt, amend or repeal rules and regulations, including, but not limited to, regulations that delineate qualifications for licensure and establish standards of professional conduct. Following their adoption, the rules and regulations shall govern and control the professional conduct of every person who holds a license to practice speech language pathology or audiology in this state.

(d) The board shall make available complete lists of the names and addresses of all licensed speech language pathologists and/or audiologists.

(e) The board may request legal advice and assistance from the appropriate state legal officer.

(f) Regular meetings of the board shall be held at the times and places that it prescribes, and special meetings may be held upon the call of the chairperson; provided, that at least one regular meeting shall be held each year.

(g) The conferral or enumeration of specific powers in this chapter shall not be construed

1 as a limitation of the general powers conferred by this section. No member of the board shall be  
2 liable to civil action for any act performed in good faith in the performance of his or her duties as  
3 prescribed by this chapter.

4 (h) Board members shall serve without compensation.

5 (i) The board may suspend the authority of any registered speech language pathologist or  
6 audiologist to practice speech language pathology or audiology for failure to comply with any of  
7 the requirements of this chapter.

8 **5-48-9. Fees – Late filing – Inactive status.**

9 (a) The board may charge an application fee; a biennial license renewal fee payable before  
10 July 1 of even years (biennially); or a provisional license renewal fee as set ~~forth in § 23-1-54~~ [by](#)  
11 [the department](#) payable annually from the date of issue.

12 (b) Any person who allows his or her license to lapse by failing to renew it on or before  
13 the thirtieth (30th) day of June of even years (biennially), may be reinstated by the board on  
14 payment of the current renewal fee plus an additional late filing fee as set ~~forth in § 23-1-54~~ [by the](#)  
15 [department](#).

16 (c) An individual licensed as a speech language pathologist and/or audiologist in this state,  
17 not in the active practice of speech-language pathology or audiology within this state during any  
18 year, may upon request to the board, have his or her name transferred to an inactive status and shall  
19 not be required to register biennially or pay any fee as long as he or she remains inactive. Inactive  
20 status may be maintained for no longer than two (2) consecutive licensing periods, after which  
21 period licensure shall be terminated and reapplication to the board shall be required to resume  
22 practice.

23 (d) Any individual whose name has been transferred to an inactive status may be restored  
24 to active status within two (2) licensing periods without a penalty fee, upon the filing of:

25 (1) An application for licensure renewal, with a licensure renewal fee as set ~~forth in § 23-~~  
26 ~~1-54~~ [by the department](#) made payable by check to the general treasurer of the state of Rhode Island;  
27 and

28 (2) Any other information that the board may request.

29 SECTION 14. Sections 5-49-1, 5-49-2.1, 5-49-2.2, 5-49-2.3, 5-49-3, 5-49-6, 5-49-8, 5-49-  
30 10, 5-49-11, 5-49-12, 5-49-17 and 5-49-19 of the General Laws in Chapter 5-49 entitled “Hearing  
31 Aid Dealers and Fitters” are hereby amended to read as follows:

32 **5-49-1. Definitions.**

33 As used in this chapter, except as the context may require:

34 (1) "Audiologist" means a person who has been awarded a certificate of competency by

1 the American Speech and Hearing Association and who is duly licensed by the department.

2 (2) "Board" means the board of hearing aid dealers and fitters.

3 (3) "Department" means the department of ~~health~~[business regulation](#).

4 (4) "Hearing aid" means any wearable instrument or device designed for or offered for the  
5 purpose of aiding or compensating for impaired human hearing, and any parts, attachments, or  
6 accessories, including ear mold, but excluding batteries and cords.

7 (5) "License" means a license issued by the state under this chapter to hearing aid dealers  
8 and fitters.

9 (6) "Practice of fitting and dealing in hearing aids" means the evaluation and measurement  
10 of human hearing by means of an audiometer or by any other means solely for the purpose of  
11 making selections, adaptations, or sale of hearing aids. The term also includes the making of  
12 impressions for ear molds. This term does not include the making of audiograms for a physician or  
13 a member of related professions for use in consultation with the hard of hearing.

14 (7) "Sell" or "sale" means any transfer of title or of the right to use by lease, bailment, or  
15 any other contract, excluding wholesale transactions with distributors or dealers.

16 (8) "Temporary permit" means a permit issued while the applicant is in training to become  
17 a licensed hearing aid dealer and fitter.

18 **5-49-2.1. Certificates of need.**

19 (a) No person, firm, association, or corporation shall sell or attempt to sell, or make  
20 available, any hearing aid instrument or hearing prosthetic device to a prospective consumer or  
21 purchaser, unless that consumer or purchaser has first obtained and presented to the seller a  
22 certificate of need on forms prescribed and furnished by the director of the department of ~~health~~  
23 [business regulation](#).

24 (b) The certificate shall be signed by a physician licensed in the state under the provisions  
25 of chapter 37 of this title and attest that, pursuant to an otological examination, it is his or her  
26 diagnosis that the prospective patient-purchaser has a hearing impediment of a nature as to indicate  
27 the need for a hearing aid instrument or hearing prosthetic device.

28 **5-49-2.2. Records of transactions.**

29 (a) Every person, firm, association, or corporation shall keep a permanent record of all  
30 sales or other transactions where a hearing aid instrument or hearing prosthetic device is made  
31 available.

32 (b) Each record of a transaction shall have attached to it the certificate of need presented  
33 by the prospective purchaser.

34 (c) Each record of a transaction shall be retained for a period of five (5) years, and shall be

1 kept open for inspection by any official designated by the director of the department of ~~health~~  
2 [business regulation](#).

3 **5-49-2.3. Penalty for violations of Sections 5-49-2.1 and 5-49-2.2.**

4 Any person, firm, association, or corporation who sells or attempts to sell, or makes  
5 available, a hearing aid instrument or hearing prosthetic device without a certificate of need, and/or  
6 fails to keep records as prescribed in § 5-49-2.2, and any physician who issues a certificate of need  
7 not in conformance with Section 5-49-2.1, ~~is guilty of a misdemeanor and, upon conviction,~~ shall  
8 be fined not more than five hundred dollars (\$500) for each ~~offense~~-[violation](#). Each violation of a  
9 provision of this chapter shall constitute a separate offense.

10 **5-49-3. Receipt required to be furnished to a person supplied with hearing aid.**

11 (a) Any person who practices the fitting and sale of hearing aids shall deliver to each person  
12 supplied with a hearing aid a receipt, which shall contain the licensee's signature and show his or  
13 her business address and the number of his or her certificate, together with specifications as to the  
14 make and model of the hearing aid furnished, and the full terms of sale clearly stated. If a hearing  
15 aid which is not new is sold, the receipt and the container shall be clearly marked as "used" or  
16 "reconditioned" whichever is applicable, with terms of guarantee, if any.

17 (b) The receipt shall bear in no smaller type than the largest used in the body copy portion  
18 the following: "The purchaser has been advised at the outset of his or her relationship with the  
19 hearing aid dealer that any examination(s) or representation(s) made by a licensed hearing aid  
20 dealer and fitter in connection with the fitting and selling of this hearing aid(s) is not an  
21 examination, diagnosis, or prescription by a person licensed to practice medicine in this state and  
22 therefore must not be regarded as medical opinion or advice."

23 (c) The receipt, covering agreements consummated at any place other than at an address of  
24 the seller, shall contain the following statement: "You may cancel this agreement if it has been  
25 consummated by a party at any place other than at a business address of the seller by a written  
26 notice directed to a business address of the seller by [certified mail](#), registered mail, telegram, or  
27 delivery, not later than midnight of the third business day following the signing of the agreement."

28 (d) The receipt shall contain language that verifies that the client has been informed about  
29 the benefits of audio switch technology, including increased access to telephones and assistive  
30 listening systems required under the "American with Disabilities Act of 1990", and section 504 of  
31 the Rehabilitation Act of 1973. The client shall be informed that an audio switch is also referred to  
32 as a telecoil, t-coil or t-switch.

33 (e) The receipt shall contain language that informs the client about the Rhode Island  
34 adaptive telephone equipment loan program committee established by chapter 39-23 that provides

1 assistive communications devices to residents of this state who have hearing loss and about the  
2 Rhode Island commission on the deaf and hard of hearing established by chapter 23-1.8 that  
3 provides resources related to hearing loss.

4 (f) Any person engaging in the fitting and sale of hearing aids will, when dealing with a  
5 child ten (10) years of age or under, ascertain whether the child has been examined by an  
6 otolaryngologist, or primary care physician and an audiologist for his or her recommendation  
7 within ninety (90) days prior to the fitting. If that is not the case, a recommendation to do so must  
8 be made, and this examination must be conducted before the sale of any hearing aid.

9 (g) Prior to delivery of services or products to the prospective purchaser, a licensee shall  
10 provide discussion of amplification or aural rehabilitation options appropriate to the hearing loss  
11 and communication needs presented by the patient.

12 (h) A licensee delivers information, either written or oral, appropriate to the patient's needs  
13 and options under discussion, including, but not limited to, types of circuitry, telecoils, or  
14 programmability, and if applicable, estimated unit prices for the following service, hearing aid(s),  
15 accessories, service contracts, hearing aid (loss and damage) insurance, health care coverage,  
16 warranty, financing, and related goods and services.

17 (i) At the time of delivery of selected amplification, the dispenser shall deliver a written  
18 delivery receipt containing the following:

19 (1) Business name, full address, and department ~~of health~~ license number of the dispenser;

20 (2) Name, full address of patient and purchaser;

21 (3) The instrument identification including manufacturer, model, serial number;

22 (4) Identification of used or reconditioned units;

23 (5) The total price and applicable warranty time periods of instrumentation and accessories  
24 such as earmolds, batteries, cords, etc.;

25 (6) Any additional insurance that has been placed on the instrument;

26 (7) All services included by the dispenser program as part of the complete amplification  
27 package, i.e. follow-up visits, or reprogramming visits in the event the instrument is programmable;

28 (8) A notice conspicuously in type that is at least four (4) points larger than the surrounding  
29 text: "A hearing aid will not restore normal hearing. The purchaser has a thirty (30) day trial period  
30 during which time the purchaser may return the instrument, in the original condition less normal  
31 wear, with no further financial obligation. This product is protected by chapter 45 of title 6 entitled  
32 "Enforcement of Assistive Technology Warranties", which shall be made available by the dispenser,  
33 upon request". The purchaser has access to the dispenser during the trial period, in order to receive  
34 appropriate follow-up monitoring, i.e. modification, adjustment, reprogramming, or shell refit, in

order to optimize comfort and instrument benefit. The trial period may be extended beyond thirty (30) days if agreed to, in writing, by the dispenser and the consumer.

(9) All professional and service fees shall be clearly stated in the contract. Refund shall be made to the customer within ten (10) days of return;

(10) Signature of dispenser and name in print;

(11) Signature of patient;

(12) Date of purchase; and

(13) Department ~~of health~~ license number.

(14) Language that verifies that the client has been informed of subsections 5-49-3(d) and (e).

**5-49-6. Issuance of licenses and certificates of endorsement.**

(a) The department shall register each applicant without discrimination who passes an examination as provided in § 5-49-7. Upon the applicant's payment as set ~~forth in § 23-1-54~~ [by the department of a fee](#) per annum for each year of the term of license, the department shall issue to the applicant a license signed by the department. The total fee for the entire term of licensure shall be paid prior to the issuance of the license.

(b) Whenever the board determines that another state or jurisdiction has requirements equivalent to or higher than those in effect pursuant to this chapter, and that this state or jurisdiction has a program equivalent to or stricter than the program for determining whether applicants pursuant to this chapter are qualified to dispense and fit hearing aids, the department may issue certificates of endorsement to applicants who hold current, unsuspended, and unrevoked certificates or licenses to fit and sell hearing aids in that other state or jurisdiction.

(c) No applicant for certificate of endorsement shall be required to submit to or undergo a qualifying examination, etc., other than the payment of fees, as set ~~forth in § 23-1-54~~ [by the department](#).

(d) The holder of a certificate of endorsement shall be registered in the same manner as a licensee. The fee for an initial certificate of endorsement shall be the same as the fee for an initial license. Fees, grounds for renewal, and procedures for the suspension and revocation of certificates of endorsement shall be the same as for renewal, suspension, and revocation of a license.

**5-49-8. Temporary permits.**

(a) An applicant who fulfills the requirements regarding age, character, education, and health as provided in § 5-49-7, may obtain a temporary permit upon application to the department. Previous experience or a waiting period shall not be required to obtain a temporary permit.

(b) Upon receiving an application as provided under this section, and accompanied by a

1 fee as set ~~forth in § 23-1-54~~ by the department, the department shall issue a temporary permit which  
2 entitles the applicant to engage in the fitting and sale of hearing aids for a period of one year.

3 (c) A person holding a valid hearing aid dealer's and fitter's license is responsible for the  
4 supervision and training of that applicant and maintain adequate personal contact.

5 (d) If a person who holds a temporary permit under this section has not successfully passed  
6 the licensing examination within one year from the date of issuance of the permit, the temporary  
7 permit may be renewed or reissued once upon payment of a fee as set ~~forth in § 23-1-54~~ by the  
8 department.

9 **5-49-10. Notice to department of place of business – Notice to holders of license.**

10 (a) A person who holds a license shall notify the department, in writing, of the regular  
11 address of the place or places where he or she engages or intends to engage in the fitting or the sale  
12 of hearing aids.

13 (b) The department shall keep a record of the place of business of licensees.

14 (c) Any notice required to be given by the department to a person who holds a license shall  
15 be mailed to him or her, ~~by certified mail~~, at the address of the last place of business which he or  
16 she has provided the department.

17 **5-49-11. Duration of license – Renewal of license – Fees – Effect of failure to renew.**

18 (a) The department shall promulgate rules and regulations mandating the term of license  
19 for each category of license issued pursuant to this chapter. No license shall remain in force for a  
20 period in excess of two (2) years.

21 (1) Each person who engages in the fitting and sale of hearing aids shall pay to the  
22 department a per annum fee, as set ~~forth in § 23-1-54~~ by the department ~~per annum~~ for each year  
23 of the term of license, for a renewal of his or her license.

24 (2) The renewal certificate shall be conspicuously posted in his or her office or place of  
25 business at all times.

26 (3) Where more than one office is operated by the licensee, duplicate certificates shall be  
27 issued by the department for posting in each location.

28 (b) A thirty (30) day grace period shall be allowed during which time licenses may be  
29 renewed on payment of a per annum fee ~~to the department~~ as set ~~forth in § 23-1-54~~ by the  
30 department ~~per annum~~ for each year of the term of renewal.

31 (c) After expiration of the grace period, the department may renew those certificates upon  
32 payment to the department of a per annum fee as set ~~forth in § 23-1-54~~ by the department ~~per annum~~  
33 for each year of the term of renewal.

34 (d) The total fee for the entire term of license or renewal shall be paid prior to the issuance



1 of the license.

2 (e) No person who applies for renewal, whose license has expired, shall be required to  
3 submit to any examination as a condition to renewal; provided, that the renewal application is made  
4 within two (2) years from the date of that expiration.

5 **5-49-12. Complaints – Grounds and proceedings for revocation or suspension of**  
6 **licenses.**

7 (a)(1) Any person wishing to make a complaint against a licensee under this chapter shall  
8 file this complaint, in writing, with the department, within one year from the date of the action upon  
9 which the complaint is based.

10 (2) If the department determines the charges made in the complaint are sufficient to warrant  
11 a hearing to determine whether the license issued under this chapter should be suspended or  
12 revoked, it shall make an order fixing a time and place for a hearing and shall require the licensee  
13 complained against to appear and defend against the complaint. The order shall have annexed to it  
14 a copy of the complaint.

15 (3) The order and copy of the complaint shall be served upon the licensee, either personally  
16 or by ~~registered~~-certified mail sent to the licensee's last known address, at least twenty (20) days  
17 before the date set for the hearing.

18 (4) Continuances or an adjournment of the hearing shall be made if for good cause.

19 (5) At the hearing, the licensee complained against may be represented by counsel.

20 (6) The licensee complained against and the department shall have the right to take  
21 depositions in advance of the hearing and after service of the complaint, and either may compel the  
22 attendance of witness by subpoenas issued by the department ~~under its seal~~.

23 (7) Either party taking depositions shall give at least five (5) days' written notice to the  
24 other party of the time and place of those depositions, and the other party has the right to attend  
25 (with counsel if desired) and cross-examine.

26 (8) Appeals from suspension or revocation may be made through the appropriate  
27 administrative procedures act.

28 (b) Any person registered under this chapter may have his or her license revoked or  
29 suspended for a fixed period by the department for any of the following causes:

30 (1) The conviction of a felony, or a misdemeanor involving moral turpitude. The record of  
31 conviction, or a certified copy, certified by the clerk of the court or by the judge in whose court the  
32 conviction was had, shall be conclusive evidence of this conviction.

33 (2) Procuring a license by fraud or deceit practiced upon the department.

34 (3) Unethical conduct, including:



- 1 (i) Obtaining any fee or making any sale by fraud or misrepresentation.
- 2 (ii) Knowingly employing, directly or indirectly, any suspended or unregistered person to
- 3 perform any work covered by this chapter.
- 4 (iii) Using, or causing, or promoting the use of, any advertising matter, promotional
- 5 literature, testimonial, guarantee, warranty, label, brand, insignia or any other representation,
- 6 however disseminated or published, which is misleading, deceptive, or untruthful.
- 7 (iv) Advertising a particular model or type of hearing aid for sale when purchasers or
- 8 prospective purchasers responding to the advertisement cannot purchase the advertised model or
- 9 type, where it is established that the purpose of the advertisement is to obtain prospects for the sale
- 10 of a different model or type than that advertised.
- 11 (v) Representing that the service or advice of a person licensed to practice medicine will
- 12 be used or made available in the selection, fitting, adjustment, maintenance, or repair of hearing
- 13 aids when that is not true.
- 14 (vi) Habitual intemperance [to the extent it impairs the licensee's ability to engage in the](#)
- 15 [practice of his or her profession.](#)
- 16 (vii) ~~Gross immorality.~~
- 17 ~~(viii)~~ Permitting another's use of a license.
- 18 ~~(ix)~~ [viii](#) Advertising a manufacturer's product or using a manufacturer's name or trademark
- 19 which implies a relationship with the manufacturer that does not exist.
- 20 [i](#)x) Directly or indirectly giving or offering to give, or permitting or causing to be given,
- 21 money or anything of value to any person who advises another in a professional capacity, as an
- 22 inducement to influence him or her, or have him or her influence others, to purchase or contract to
- 23 purchase products sold or offered for sale by a hearing aid dealer or fitter, or influencing persons
- 24 to refrain from dealing in the products of competitors.
- 25 ~~(x)~~ Representing, when this is not the case, that the hearing aid is or will be "custom-
- 26 made", "made to order", or "prescription-made", or in any other sense specially fabricated for an
- 27 individual person.
- 28 (4) Knowingly placing the health of a client at serious risk without maintaining proper
- 29 precautions;
- 30 (5) Engaging in the fitting and sale of hearing aids under a false name or alias with
- 31 fraudulent intent.
- 32 (6) Selling a hearing aid to a person who has not been given tests utilizing appropriate
- 33 established procedures and instrumentation in fitting of hearing aids, except in cases of selling
- 34 replacement hearing aids. Selling a hearing aid to a person who has discharge from the ear, loss of

1 balance and dizzy spells, or a loss of hearing for less than ninety (90) days, unless that person has  
2 received a prescription from a physician.

3 (7) Gross incompetence or negligence in fitting and selling hearing aids.

4 (8) Violating any provisions of this chapter.

5 **5-49-17. Board – Meetings.**

6 The board shall meet ~~not less than six (6) times each year~~ on the call of the chairperson or  
7 at the written request of any three (3) members of the board at a place, day, and hour determined  
8 by the board. The board shall also meet at any other times and places as requested by the  
9 department.

10 **5-49-19. Penalty for violations.**

11 Violation of any provisions of this chapter shall be punishable, ~~upon conviction,~~ by a fine  
12 of not more than five hundred dollars (\$500) ~~or by imprisonment for not more than ninety (90)~~  
13 ~~days, or both~~ for each violation.

14 SECTION 15. Sections 5-60-2, 5-60-4 and 5-60-11 of the General Laws in Chapter 5-60  
15 entitled “Athletic Trainers” are hereby amended to read as follows:

16 **5-60-2. Definitions.**

17 As used in this chapter:

18 (1) "Athletic trainer" means a person with the specific qualifications established in § 5-60-  
19 10 who, upon the direction of his or her team physician and/or consulting physician, carries out the  
20 practice of athletic training to athletic injuries incurred by athletes in preparation of or participation  
21 in an athletic program being conducted by an educational institution under the jurisdiction of an  
22 interscholastic or intercollegiate governing body, a professional athletic organization, or a board  
23 sanctioned amateur athletic organization; provided, that no athlete shall receive athletic training  
24 services if classified as geriatric by the consulting physician. No athlete shall receive athletic  
25 training services if non-athletic or age-related conditions exist or develop that render the individual  
26 debilitated or non-athletic. To carry out these functions, the athletic trainer is authorized to utilize  
27 modalities such as heat, light, sound, cold, electricity, exercise, or mechanical devices related to  
28 care and reconditioning. The athletic trainer, as defined in this chapter, shall not represent himself  
29 or herself or allow an employer to represent him or her to be, any other classification of healthcare  
30 professional governed by a separate and distinct practice act. This includes billing for services  
31 outside of the athletic trainer's scope of practice, including, but not limited to services labeled as  
32 physical therapy.

33 (2) "Board" means the Rhode Island board of athletic trainers established under § 5-60-4.

34 (3) "Department of ~~health~~ business regulation" means the department of state under which

the board of athletic trainers is listed.

(4) "Director" means the director or state official in charge of the department of ~~health~~ [business regulation](#).

**5-60-4. Board – Composition – Appointment, terms, oaths, and removal of members**  
**– Officers – Meetings.**

(a) The director of the department of ~~health~~ [business Regulation](#), with the approval of the governor, shall appoint the members of the Rhode Island board of athletic trainers, which shall be composed of three (3) licensed athletic trainers and one public member and one physician licensed to practice medicine and with an interest in sports medicine. In making appointments to the board, the director shall give consideration to recommendations made by professional organizations of athletic trainers and physicians. Each appointee shall be licensed and practicing in the state, except that the director in appointing the athletic trainer members of the first board may appoint any practicing athletic trainer who possesses the qualification required by § 5-60-10. To qualify as a member, a person must be a citizen of the United States and a resident of the state for five (5) years immediately preceding appointment.

(b) The members of the board shall be appointed for terms of three (3) years which expire on August 1 of even numbered years, ~~except that in making the initial appointments the director shall designate one member to serve one year, two (2) members to serve two (2) years, and two (2) members to serve three (3) years.~~ In the event of death, resignation, or removal of any member, the vacancy shall be filled for the unexpired portion of the term in the same manner as the original appointment. The director may remove any member for cause at any time prior to the expiration of his or her term. No member shall serve for more than two (2) consecutive three (3) year terms.

(c) Each appointee to the board shall qualify by taking the constitutional oath of office within thirty (30) days from the date of his or her appointment. On presentation of the oath, the director shall issue commissions to appointees as evidence of their authority to act as members of the board.

(d) The board shall elect from its members for a term of one year, a chairperson, vice-chairperson, and secretary-treasurer, and may appoint committees that it considers necessary to carry out its duties. The board shall meet ~~at least two (2) times a year. Additional meetings may be held~~ on the call of the chairperson or at the written request of any three (3) members of the board. The quorum required for any meeting of the board shall be three (3) members. No action by the board or its members has any effect unless a quorum of the board is present.

**5-60-11. Fees.**

Applicants for athletic trainer licenses shall pay a license fee, and, if applicable, a biennial

1 license renewal fee as set ~~forth in § 23-1-54~~ [by the department](#). Any person allowing their license  
2 to lapse shall pay a late fee as set ~~forth in § 23-1-54~~ [by the department](#).

3 SECTION 16. Sections 5-71-3, 5-71-4, 5-71-5, 5-71-6, 5-71-8, 5-71-9 and 5-71-13 of the  
4 General Laws in Chapter 5-71 entitled "Licensure of Interpreters for the Deaf" are hereby amended  
5 to read as follows:

6 **5-71-3. Definitions.**

7 (1) "Board" means the state board of examiners for interpreters for the deaf.

8 (2) "Certified" means any individual who is a certified member of the Registry of  
9 Interpreters for the Deaf, Inc., (RID), its successor agency, or other agencies as approved by the  
10 department in consultation with the board.

11 (3) "Certified deaf interpreter", "deaf interpreter", or "deaf intermediary interpreter" means  
12 any individual who is deaf or hard of hearing and who is a certified member of the Registry of  
13 Interpreters for the Deaf, Inc. (RID) or its successor agency approved by the department in  
14 consultation with the board.

15 (4) "Consumer" is an individual who is deaf, deaf-blind, hard of hearing, hearing, or an  
16 individual with a disability who does not share a common means of communication. This may  
17 include, without limitation, American Sign Language (ASL), visual, gestural, auditory, and tactile  
18 made of communication.

19 (5) "Department" means the Rhode Island department of ~~health-business regulation~~.

20 (6) "Director" means the director of the department of ~~health-business regulation~~.

21 (7) "Educational Interpreter" means an individual who has specialized certification  
22 (elementary and secondary education for grades kindergarten (K) through twelve (12)) and is a  
23 certified member of RID or its successor agency approved by the department in consultation with  
24 the board in the provision of sign language interpreting to students who are deaf, hard of hearing,  
25 or deaf-blind in grades preschool through twelve (12).

26 (8) "Emergency" means an urgent circumstance that demands immediate action in order  
27 for a consumer to avoid imminent harm or loss. In the event of an emergency, the consumer may  
28 elect to use the services of a nonlicensed interpreter as set forth in regulations promulgated by the  
29 department.

30 (9) "Interpreter" means any person who engages in the practice of interpreting as defined  
31 in subdivisions (10), (11), (14), and (15).

32 (10) "Interpreting" means conveying spoken English into American Sign Language (ASL),  
33 or conveying American Sign Language into English, or interpreting English to and/or from a visual  
34 gestural system.

(11) "Intermediary interpreting" means interpreting services rendered by a deaf person to facilitate communication between another deaf person and a licensed interpreter.

(12) "Screened interpreter" means any person who presents proof of an active state screening or its equivalent and presents proof of successful completion of an examination as approved by the department in consultation with the board.

(13) "Screened deaf interpreter" means any person who is deaf or hard of hearing and who presents proof of an active state screening, or its equivalent, and presents proof of successful completion of an examination as approved by the department in consultation with the board.

(14) "Transliterating" means conveying spoken English into manually coded English, or conveying manually coded English into spoken English (sign-to-voice), or conveying English on the lips so that it is accessible to speech reading (e.g. oral transliterating, or any auditory communication as a visual form in English such as cued speech).

(15) "Deaf-blind interpreting" means linguistic information through sign language acquired by individuals who are deaf-blind through their preferred methods depending on the causes of their combined vision and hearing loss, their background, and their education, such as close-vision interpreting and tactile interpreting, while spoken language is conveyed into sign language (e.g. ASL), and sign language (ASL) is conveyed into spoken language.

**5-71-4. Board of examiners – Creation – Compensation – Appointment, terms and qualifications of members.**

(a) There shall exist within the state department of ~~health~~ [Business Regulation](#) a board of examiners of interpreters for the deaf. The board shall consist of five (5) persons who shall be residents of the state of Rhode Island for at least two (2) years prior to their appointments: three (3) nationally certified interpreters, and two (2) consumers.

(b) All appointments made under this section shall be made by the governor with the advice and consent of the senate. In making appointments to the board, the governor shall give consideration to recommendations made by the commission on the deaf and hard-of-hearing established pursuant to § 23-1.8-1. All members shall serve terms of three (3) years. Members shall serve until the expiration of the term for which they have been appointed or until their successor is appointed. No person shall be appointed to serve more than two (2) consecutive terms. When a vacancy upon the board occurs, a replacement shall be appointed for the remainder of that term as prescribed in this section.

(c) The board shall reorganize annually during the month of December and shall elect a chairperson and vice chairperson for the subsequent calendar year. The board may elect from among its members such other officers as it deems necessary.

(d) Three (3) members of the board shall constitute a quorum to do business. A majority vote of those present shall be required for action.

(e) Members of the board shall be removable by the governor pursuant to the provisions of § 36-1-7 of the general laws and for cause only, and removal solely for partisan or personal reasons unrelated to capacity or fitness for the office shall be unlawful.

**5-71-5. Board of examiners – Duties and powers – Meetings – Compensation of members.**

(a) The department, with the assistance of the board, shall administer, coordinate, and enforce the provisions of this chapter, evaluate the qualifications of applicants, and may issue subpoenas, examine witnesses, administer oaths, and investigate persons engaging in practices that violate the provisions of this chapter.

(b) The department shall conduct hearings and shall keep records and minutes that are necessary for the orderly dispatch of business.

(c) The department shall hold public hearings regarding rules and regulations.

(d) The department in consultation with the board, in accordance with the rule-making provisions of the "Administrative Procedures Act", (chapter 35 of title 42), shall adopt responsible rules and regulations and may amend or repeal those rules and regulations. Following their adoption, the rules and regulations shall govern and control the professional conduct of every person who holds a license to practice interpreting or transliterating in the state of Rhode Island.

(e) ~~Regular~~ Meetings of the board shall be held, and special meetings may be held, upon the call of the chairperson as often as necessary ~~to~~ for the transaction of any business within the jurisdiction of the board. ~~deal with such issues as violations of this chapter; provided, that at least one regular meeting is held each calendar year.~~

(f) The conferral or enumeration of specific powers in this chapter shall not be construed as a limitation of the general powers conferred by the section. No member of the board shall be liable to civil action for any act performed in good faith in the performance of his or her duties as prescribed by this chapter.

(g) Board members shall serve on an honorable basis without compensation.

(h) The board may request legal advice and assistance from the appropriate legal officer.

(i) The board shall conduct a training course for newly appointed and qualified members within six (6) months of their appointment. The course shall be developed and conducted by the chair of the board, approved by the department, and shall include instruction in the subject areas of this chapter, and chapter 46 of title 42, chapter 14 of title 36, and chapter 2 of title 38, and the board's rules and regulations. The ~~director of the~~ department ~~of health~~ shall, within ninety (90)

1 days, prepare and disseminate training materials relating to the provisions of chapter 46 of title 42,  
2 chapter 14 of title 36, and chapter 2 of title 38.

3 ~~(j) Within ninety (90) days after the end of each fiscal year, the board shall approve and~~  
4 ~~submit an annual report to the governor, the speaker of the house of representatives, the president~~  
5 ~~of the senate, and the secretary of state of its activities during that fiscal year. The report shall~~  
6 ~~provide: an operating statement summarizing meetings or hearings held, including meeting~~  
7 ~~minutes, subjects addressed, decisions rendered, licenses considered and their dispositions, rules or~~  
8 ~~regulations promulgated, studies conducted, policies and plans developed, approved or modified,~~  
9 ~~and programs administered or initiated; a consolidated financial statement of all funds received and~~  
10 ~~expended including the source of the funds, a listing of any staff supported by these funds, and a~~  
11 ~~summary of any clerical, administrative or technical support received; a summary of performance~~  
12 ~~during the previous fiscal year including accomplishments, shortcomings and remedies; a synopsis~~  
13 ~~of hearings, complaints, suspensions or other legal matters related to the authority of the board; a~~  
14 ~~summary of any training courses held pursuant to the provisions of paragraph 5-71-5(i); a briefing~~  
15 ~~on anticipated activities in the upcoming fiscal year; and findings and recommendations for~~  
16 ~~improvements. The report shall be posted electronically on the general assembly and the secretary~~  
17 ~~of state's websites as prescribed in § 42-20-8.2. The director of the department of health shall be~~  
18 ~~responsible for the enforcement of this provision.~~

19 **5-71-6. Board of examiners – Seal – Authentication of records.**

20 The board shall ~~adopt the state seal by which it shall~~ authenticate its proceedings. Copies  
21 of the proceedings, records and acts of the board, and certificates purporting to relate the facts  
22 concerning those proceedings, records, and acts, signed by the secretary shall be deemed ~~and~~  
23 authenticated ~~by that seal, and~~ and shall be evidence in all courts of this state.

24 **5-71-8. Qualifications of applicants for licenses.**

25 (a) To be eligible for licensure by the board as an interpreter for the deaf or transliterator,  
26 the applicant must submit written evidence on forms furnished by the department, ~~verified by oath,~~  
27 that the applicant meets all of the following requirements:

28 (1) Is of good moral character;

29 (2) Meets the screened requirements as defined in regulations promulgated by the  
30 department or meets the certification requirements set forth by RID or its successor agency  
31 approved by the department in consultation with the board;

32 (3) Pays the department a license fee as set ~~forth in § 23-1-54~~ by the department;

33 (4) Adheres to the National Association of the Deaf (NAD) and the Registry of Interpreters  
34 for the Deaf, Inc., (RID) code of professional conduct; and



(5) Provides verification of a background check with the bureau of criminal investigation in the office of attorney general at the time of the initial application for license.

(b) To be eligible for licensure by the board as an educational interpreter for the deaf, the applicant must meet all of the requirements as described in subsection (a) and must further present proof of successful completion of the educational interpreter performance assessment (EIPA), written and performance tests, or a similar test as approved by the board, at a performance level established by the board.

(c) An individual whose license, certification, permit, or equivalent form of permission issued within another state has been revoked, suspended, or currently placed on probation shall not be eligible for consideration for licensure unless they have first disclosed to the department about such disciplinary actions.

**5-71-9. Licensure and regulations of interpreters for the deaf.**

(a) Licensure shall be granted when a person meets the certification requirements as defined in regulations promulgated by the department. A person only needs one license under "certified" or "screened" if he or she is qualified as defined in § 5-71-8(a) and recognized by the RID and the NAD or its successor agency approved by the department in consultation with the board as outlined in § 5-71-3.

(b) No person shall practice or hold him or herself out as being able to practice interpreting, educational interpreting, or intermediary interpreting as defined in § 5-71-3 unless he or she shall be licensed in accordance with the provisions of this chapter. No person shall hold himself or herself out as being an educational interpreter as defined in § 5-71-3 unless he or she is licensed in accordance with the provisions of this chapter.

(c) All licensed interpreters upon commencing to practice, and upon any change in address, shall promptly notify the department of said change in home or office address and shall furnish any other information to the department that it may require. All licensed interpreters shall annually, before July 1st, pay the department a license renewal fee, as set forth in ~~§ 23-1-54~~ by [the department](#), for each license. The department may suspend the authority of any licensed interpreter to practice for failure to comply with any of the requirements of this chapter or the regulations promulgated thereunder. The department makes available for public inspection a complete list of the names of all interpreters licensed and practicing in the state.

(d) Three (3) types of licensure may be issued to interpreters:

(1) A certified license shall be granted to interpreters who have met the certification requirements as set forth in regulations promulgated by the department. The two (2) licenses under "certified" are called "certified interpreter" and "certified deaf interpreter";

(2) A screened license of limited duration determined by the board shall be granted to interpreters who have met the educational requirements as set forth in regulations promulgated by the department and who have successfully completed a recognized state screening or state equivalent as determined by the department in consultation with the board. The two (2) licenses under "screened" are called "screened interpreter" and "screened deaf interpreter";

(3) An educational interpreter license may be granted to interpreters who meet the requirements of § 5-71-8(b). This license is called "educational interpreter".

(e) All certified licensed interpreters shall be required to complete continuing education as set forth by RID or its successor agency approved by the department in consultation with the board. All licensed screened interpreters shall be required to complete continuing education as set forth in the regulations promulgated by the department.

**5-71-13. Grounds for suspension or revocation of licenses.**

(a) The board may recommend to the director of the department of ~~health~~[business regulation](#) the issuance, renewal, or revocation of a license, or suspension, placement on probation, censure or reprimand a licensee, or any other disciplinary action that the board may deem appropriate, for conduct that may result from, but not necessarily be limited to:

(1) Obtaining his or her license by means of fraud, misrepresentation, or concealment of material facts;

(2) Being guilty of fraud, misrepresentation, concealment, or material misstatement of facts or deceit in connection with his or her services rendered as an interpreter;

(3) Being guilty of unprofessional conduct as defined by the rules established by the department in consultation with the board, and/or violating any standard of professional or ethical conduct adopted by the National Registry of Interpreters for the Deaf;

(4) Violating the continuing education requirements of this chapter, as defined in § 5-71-9(e), and rules and regulations as promulgated by the department;

(5) Violating any lawful order, or any provision of this chapter or of the rules or regulations promulgated in this chapter;

(6) Aiding or assisting another person in violating any provision of this chapter or any rule or regulation adopted under this chapter;

(7) Departure from or failure to conform to the current standards of acceptable and prevailing practice of interpreting.

(b) Working under a license that is expired or on inactive status, working under a license when certification is expired or on inactive status, and practicing interpreting without being exempt under § 5-71-10 shall be considered to be practicing without a license.

1 ~~(c) The department shall respond to all recommendations from the board under this section~~  
2 ~~within thirty (30) calendar days.~~

3 SECTION 17. Section 5-34-10 of the General Laws in Chapter 5-34 entitled “Nurses” is  
4 hereby amended to read as follows:

5 **5-34-10. Qualifications of professional nurse applicants.**

6 An applicant for licensure to practice as a professional nurse shall submit to the board  
7 written evidence on forms furnished by the division of professional regulation, ~~verified by oath,~~  
8 that the applicant:

9 (1) Has completed at least an approved high school course of study or the equivalent  
10 supported by diploma or certificate of the course of study as determined by the rules and regulations  
11 of the state board of education;

12 (2) Has successfully completed the prescribed curriculum in an approved basic professional  
13 nursing education program and holds a diploma from the program; and

14 (3) Is of good moral character.

15 SECTION 18. Section 5-35.1-3 of the General Laws in Chapter 5-35.1 entitled  
16 “Optometrists” is hereby amended to read as follows:

17 **5-35.1-3. Application for examination and license.**

18 Every person desiring to be licensed to practice optometry as provided in this chapter shall  
19 file with the department, in the form prescribed by the department, an application, ~~verified by oath,~~  
20 presenting the facts which entitle the applicant to a license to practice optometry under this chapter.  
21 No one shall be permitted to practice optometry in this state without a valid license.

22 SECTION 19. Section 5-37.2-12.1 of the General Laws in Chapter 5-37.2 entitled “The  
23 Healing Art of Acupuncture and Oriental Medicine” is hereby amended to read as follows:

24 **5-37.2-12.1. Examination requirements and issuance of license.**

25 (a) No person shall be licensed as a doctor of acupuncture and Oriental medicine unless he  
26 or she has passed the examination by the ~~National Commission of Certification of Acupuncture~~  
27 ~~and Oriental Medicine.~~ [National Certification Commission for Acupuncture and Oriental Medicine](#)  
28 [or successor entity.](#)

29 (b) Before any applicant is eligible for licensure, he or she shall furnish satisfactory proof  
30 that he or she:

31 (1) Is a United States citizen or legal alien;

32 (2) Has demonstrated proficiency in the English language;

33 (3) Is at least twenty one (21) years of age;

34 (4) Is of good moral character;

(5) Has completed an accredited program of at least thirty-six (36) months and not less than twenty-five hundred (2,500) hours of training and has received a certificate or diploma from an institute approved by the Accreditation Commission for Schools and Colleges of Acupuncture and Oriental Medicine, according to the provisions of this chapter; provided, that this subdivision does not apply to anyone licensed to practice under chapter 37 of this title who is qualified to take and pass the test by the National Commission for the Certification of Acupuncture and Oriental Medicine;

(6) Has completed a clinical internship training that is designated as appropriate by the National Commission for the Certification of Acupuncture and Oriental Medicine; and

(7) Has three (3) letters of reference from reputable individuals other than relatives and at least two (2) of which are from licensed or registered doctors of acupuncture and Oriental medicine.

SECTION 20. Sections 5-40-6 and 5-40-6.1 of the General Laws in Chapter 5-40 entitled “Physical Therapists” are hereby amended to read as follows:

**5-40-6. Qualification of physical therapists.**

Any applicant for licensure shall submit to the board written evidence on forms furnished by the department of health, ~~verified by oath~~, that the applicant meets all of the following requirements:

(1) Is at least eighteen (18) years of age;

(2) Is of good moral character;

(3) Has graduated from an education program in physical therapy accredited by the Commission on Accreditation of Physical Therapy Education (CAPTE) or other accrediting agency as approved by the department in consultation with the board, in the year of the applicant's graduation; and

(4) Has passed the National Physical Therapy Examination (NPTE) of the Federation of State

Boards of Physical Therapy (FSBPT) or other physical therapy certification examination as approved by the department in consultation with the board to determine the applicant's fitness to engage in the practice of physical therapy.

**5-40-6.1. Qualifications of physical therapist assistants.**

Any applicant for licensure shall submit to the board written evidence on forms furnished by the department of health, ~~verified by oath~~, that the applicant meets all of the following requirements:

(1) Is at least eighteen (18) years of age;

(2) Is of good moral character;

1 (3) Has graduated from an educational program in physical therapy accredited by the  
2 Commission on Accreditation of Physical Therapy Education (CAPTE) or other accrediting agency  
3 as approved by the department in consultation with the board, in the year of said applicant's  
4 graduation; and

5 (4) Has passed the National Physical Therapy Examination (NPTE) of the Federation of  
6 State Boards of Physical Therapy (FSBPT) or other physical therapy assistant certification  
7 examination as approved by the department in consultation with the board to determine the  
8 applicant's fitness to engage in the practice of physical therapy.

9 SECTION 21. Section 5-40.1-8 of the General Laws in Chapter 5-40.1 entitled  
10 "Occupational Therapy" is hereby amended to read as follows:

11 **5-40.1-8. Requirements for licensure.**

12 (a) Any applicant seeking licensure as an occupational therapist or occupational therapy  
13 assistant in this state must:

14 (1) Be at least eighteen (18) years of age;

15 (2) Be of good moral character;

16 (3) Have successfully completed the academic requirements of an education program in  
17 occupational therapy accredited by the American Occupational Therapy Association's  
18 Accreditation Council for Occupational Therapy Education or other therapy accrediting agency  
19 that may be approved by the board;

20 (4) Have successfully completed a period of supervised fieldwork experience arranged by  
21 the recognized educational institution where he or she met the academic requirements:

22 (i) For an occupational therapist, a minimum of twenty-four (24) weeks of supervised  
23 fieldwork experience shall be required;

24 (ii) For an occupational therapy assistant, a minimum of twelve (12) weeks shall be  
25 required;

26 (5) Have successfully passed the National Certification Examination for Occupational  
27 Therapists, Registered, or National Certification Examination for Occupational Therapy Assistants,  
28 of the National Board for Certification in Occupational Therapy (NBCOT) or other occupational  
29 therapy certification examination as approved by the board.

30 (b) Application for licensure to practice occupational therapy in this state either by  
31 endorsement or by examination shall be made on forms provided by the division, which shall be  
32 completed, ~~notarized~~, and submitted to the board thirty (30) days prior to the scheduled date of the  
33 board meeting. The application shall be accompanied by the following documents:

34 (1) ~~Three (3) affidavits from responsible persons attesting to the applicant's good moral~~

~~character;~~ Is of good moral character, evidenced in the manner prescribed by the department.

(2) For U.S. citizens: a certified copy of birth record or naturalization papers;

(3) For non-U.S. citizens: documented evidence of alien status, such as immigration papers or resident alien card or any other verifying papers acceptable to the administrator;

(4) Documented evidence and supporting transcripts of qualifying credentials as prescribed in this section;

~~(5) One unmounted passport photograph of the applicant (head and shoulder view) approximately 2x3 inches in size;~~

~~(6)~~ (5) A statement from the board of occupational therapy in each state in which the applicant has held or holds licensure, or is otherwise subject to state regulation, to be submitted to the board of this state attesting to the licensure status of the applicant during the time period the applicant held licensure in that state; and

~~(7)~~ (6) The results of the written national examination of the National Board for Certification in Occupational Therapy (NBCOT).

(c)(1) Applicants seeking licensure as occupational therapists or occupational therapy assistants are required to pass the national written examination of the National Board for Certification in Occupational Therapy (NBCOT) approved by the board to test the applicant's fitness to engage in the practice of occupational therapy pursuant to the provisions of this chapter.

(2) The date, time, and place of examinations shall be available from the National Board for Certification in Occupational Therapy (NBCOT).

(d) In case any applicant fails to satisfactorily pass an examination, the applicant shall be entitled to re-examination.

(e) Occupational therapists and occupational therapy assistants who are licensed or regulated to practice under laws of another state or territory or the District of Columbia may, upon receiving a receipt from the division, perform as an occupational therapist or occupational therapy assistant under the supervision of a qualified and licensed occupational therapist or occupational therapy assistant. If this applicant fails to receive licensure when the board reviews the application, all previously mentioned privileges automatically cease.

(f) Applicants from foreign occupational therapy schools must meet the requirements of the National Board for Certification in Occupational Therapy (NBCOT) and present evidence of passage of the National Certification Examination for Occupational Therapists or the National Certification Examination for Occupational Therapy Assistants of the NBCOT. Applicants must meet all of the appropriate requirements for licensure to the satisfaction of the board and in accordance with the statutory and regulatory provisions of this chapter.

SECTION 22. Section 5-44-9 of the General Laws in Chapter 5-44 entitled “Psychologists” is hereby amended to read as follows:

**5-44-9. Qualifications of psychologists.**

An applicant for licensure shall submit to the board written evidence acceptable to the department, ~~verified under oath~~, that the applicant:

(1) Is of good moral character;

(2) Has received a doctorate degree in psychology from a college or university whose program of study for that degree at that time meets or exceeds the stated requirements for approval by the American Psychological Association, or its equivalent in terms of excellence of education and training, or a doctorate degree in an allied field whose education and training requirements are substantially similar to current American Psychological Association standards of accreditation for the granting of a doctorate in psychology;

(3) Has had the requisite supervised experience as deemed acceptable to the board as delineated in the rules and regulations;

(4) Has passed an examination conducted by the board to determine his or her qualification for licensure as a psychologist, or is applying under the provisions of § 5-44-11;

SECTION 23. Sections 5-63.2-9 and 5-63.2-10 of the General Laws in Chapter 5-63.2 entitled “Mental Health Counselors and Marriage and Family Therapists” is hereby amended to read as follows:

**5-63.2-9. Qualifications of licensed clinical mental health counselors.**

(a) An applicant for licensure shall submit to the board written evidence on forms furnished by the division of professional regulation ~~verified under oath~~ that the applicant:

(1) Is of good character; and

(2) Has received a graduate degree specializing in counseling/therapy from a college or university accredited by the New England Association of Schools and Colleges, or an equivalent regional accrediting agency, and which has the approval by a cognizable national or regional certifying authority; and

(3) Has completed sixty (60) semester hours or ninety (90) quarter hours within their graduate counseling/therapy program; and

(4) Has completed a minimum of twelve (12) semester hours or eighteen (18) quarter hours of supervised practicum and a minimum of one calendar year of supervised internship consisting of twenty (20) hours per week or its equivalent with emphasis in mental health counseling supervised by the department within the college or university granting the requisite degree or by an accredited postgraduate clinical training program recognized by the United States Department of



Education, or education and/or experience which is deemed equivalent by the board; and

(5) Has completed a minimum of two (2) years of relevant postgraduate experience, including at least two thousand (2,000) hours of direct client contact offering clinical or counseling or therapy services with emphasis in mental health counseling subsequent to being awarded a master's degree, certificate of advanced graduate study or doctorate; and

(6) A minimum of one hundred (100) hours of post-degree supervised case work spread over a two (2) year period; provided, that the supervision was provided by a person who at the time of rendering the supervision was recognized by the board as an approved supervisor; and

(7) Has passed to the satisfaction of the board an examination conducted by it to determine the applicant's qualification for licensure as a clinical mental health counselor or is applying for licensure under the provisions of § 5-63.2-15.

(b) A candidate shall be held to have qualified for licensure as a clinical mental health counselor upon the affirmative vote of at least four (4) members of the board, two (2) of whom must be mental health counselors on the board.

**5-63.2-10. Qualifications of licensed – Marriage and family therapists.**

(a) An applicant for licensure shall submit to the board written evidence on forms furnished by the division of professional regulation ~~verified under oath~~ that the applicant:

(1) Is of good character; and

(2) Has completed a graduate degree program specializing in marital and family therapy from a college or university accredited by the New England Association of Schools and Colleges, or an equivalent regional accreditation agency; and

(3) Has completed sixty (60) semester hours or ninety (90) quarter hours within their graduate degree program specializing in marital and family therapy; and

(4) Has completed a minimum of twelve (12) semester hours or eighteen (18) quarter hours of supervised practicum and a one calendar year of supervised internship consisting of twenty (20) hours per week or its equivalent with emphasis in marriage and family therapy supervised by the department within the college or university granting the requisite degree or by an accredited postgraduate clinical training program, approved by the commission on accreditation for marriage and family therapy education recognized by the United States department of education or education and/or experience which is deemed equivalent by the board; and

(5) Has had a minimum of two (2) years of relevant postgraduate experience, including at least two thousand (2,000) hours of direct client contact offering clinical or counseling or therapy services with emphasis in marriage and family therapy subsequent to being awarded a master's degree or doctorate; and

1 (6) Has had a minimum of one hundred (100) hours of post-degree supervised case spread  
2 over two (2) years; provided, that the supervision was provided by a person who at the time of  
3 rendering the supervision was recognized by the board as an approved supervisor; and

4 (7) Has passed to the satisfaction of the board an examination conducted by it to determine  
5 the applicant's qualifications for licensure as a marriage and family therapist or is applying for  
6 licensure under the provisions of § 5-63.2-15.

7 (b) A candidate shall be qualified for licensure as a marriage and family therapist upon the  
8 affirmative vote of at least four (4) members of the board, two (2) of whom must be marriage and  
9 family therapists on the board.

10 SECTION 24. Section 5-86-9 of the General Laws in Chapter 5-86 entitled "Licensing of  
11 Applied Behavior Analysts" is hereby amended to read as follows:

12 **5-86-9. Qualifications and examinations for licensing.**

13 (a) An applicant for licensure as a licensed applied behavior analyst shall submit to the  
14 board written evidence on forms furnished by the department ~~verified under oath (i.e. notarized)~~  
15 that said applicant:

16 (1) Be of good moral character;

17 (2) Has obtained a graduate degree in applied behavior analysis or a related field, as  
18 approved by the board, from a college or university accredited by the New England association of  
19 schools and colleges, or an equivalent regional accrediting agency, and which has the approval by  
20 a national or regional certifying authority, including but not limited to the applied behavior analyst  
21 licensing board;

22 (3) Has successfully completed the amount of coursework in applied behavior analysis  
23 acceptable to the board;

24 (4) Has appropriate supervised experience to include either: (i) One year, including one  
25 thousand five hundred (1,500) hours of supervised independent fieldwork in applied behavior  
26 analysis. The distribution of supervised independent fieldwork hours must be at least ten (10) hours  
27 per week, but not more than thirty (30) hours per week, for a minimum of three (3) weeks per  
28 month; (ii) One thousand (1,000) hours of practicum in behavior analysis within a university  
29 experience program approved by the national or regional certifying authority. The distribution of  
30 practicum hours must be at least ten (10) hours per week, but not more than twenty-five (25) hours  
31 per week, for a minimum of three (3) weeks per month; or (iii) Seven hundred fifty (750) hours of  
32 intensive practicum in behavior analysis within a university experience program approved by the  
33 national or regional certifying authority. The distribution of intensive practicum hours must be at  
34 least ten (10) hours per week, but not more than twenty-five (25) hours per week, for a minimum

1 of three (3) weeks per month;

2 (5) Has passed the relevant examination administered by an appropriate nationally  
3 recognized accrediting organization as approved by the department of health for this function;

4 (6) Maintain active status and fulfill all relevant requirements for renewal and relicensing  
5 with the nationally recognized and accredited organization(s) as approved by the department of  
6 health licensing;

7 (7) Conducts his or her professional activities in accordance with accepted standards for  
8 responsible professional conduct, as approved by the Rhode Island applied behavior analyst  
9 licensing board; and

10 (8) Meets the criteria as established in § 5-86-12.

11 (b) An applicant for licensure as a licensed applied behavior assistant analyst shall submit  
12 to the board written evidence on forms furnished by the department ~~verified under oath (i.e.,~~  
13 ~~notarized)~~ that said applicant:

14 (1) Be of good moral character;

15 (2) Has obtained a bachelor's degree in behavior analysis or a related field, as approved by  
16 the board, from a college or university accredited by the New England Association of Schools and  
17 Colleges, or an equivalent regional accrediting agency, and which has the approval by a national or  
18 regional certifying authority, including, but not limited to, the applied behavior analyst licensing  
19 board;

20 (3) Has successfully completed the amount of coursework in applied behavior analysis  
21 acceptable to the board;

22 (4) Has appropriate supervised experience to include either: (i) One thousand (1,000) hours  
23 of supervised independent fieldwork in applied behavior analysis. The distribution of supervised  
24 independent fieldwork hours must be at least ten (10) hours per week, but not more than thirty (30)  
25 hours per week, for a minimum of (3) three weeks per month; (ii) Six hundred seventy (670) hours  
26 of practicum in behavior analysis within a university experience program approved by the national  
27 or regional certifying board. The distribution of practicum hours must be at least ten (10) hours per  
28 week, but not more than twenty-five (25) hours per week, for a minimum of three (3) weeks per  
29 month; or (iii) Five hundred (500) hours of intensive practicum in behavior analysis within a  
30 university experience program approved by the national or regional certifying board. The  
31 distribution of intensive practicum hours must be at least ten (10) hours per week, but  
32 not more than twenty-five (25) hours per week, for a minimum of three (3) weeks per  
33 month.

34 (5) Is supervised by a licensed applied behavior analyst in a manner consistent with the

board's requirements for supervision of licensed applied behavior assistant analysts;

(6) Has passed the examination administered by an appropriate nationally recognized accrediting organization as approved by department of health licensing for this function;

(7) Maintain active status and fulfill all relevant requirements for renewal and relicensing with the nationally recognized and accredited organization(s) as approved by the department of health licensing;

(8) Conduct his or her professional activities in accordance with accepted standards for responsible professional conduct, as required by the Rhode Island applied behavior analyst licensure board; and

(9) Meet the criteria as established in § 5-86-11.

(c) applicant shall be judged to hold the equivalent requirement of a licensure as an applied behavior analyst upon submission to the board, written evidence on forms furnished by the department ~~verified under oath (i.e., notarized)~~, if the following equivalency requirements are met to the satisfaction of the licensing board:

(1) Has received a doctoral degree in psychology from a college or university accredited by the New England association of schools and colleges, or an equivalent regional accrediting agency, and which has the approval by a national or regional certifying authority;

(2) Be individually licensed by the department of health as a psychologist subject to chapter 5-44;

(3) Be of good moral character;

(4) Has completed coursework in applied behavior analysis supervised by the department within the college or university granting the requisite degree or by an accredited postgraduate clinical training program recognized by the United States department of education, or education and/or experience which is deemed equivalent by the board;

(5) Has completed one thousand five hundred (1,500) hours of direct client contact offering applied behavior analysis services subsequent to being awarded a doctoral degree in psychology;

(6) Conducts his or her professional activities in accordance with accepted standards for responsible professional conduct, as required by the Rhode Island applied behavior analyst licensure board; and

(7) Meets the criteria as established in 5-86-12.

SECTION 25. Section 21-9-3 of the General Laws in Chapter 21-9 entitled "Frozen Desserts" is hereby amended to read as follows:

**21-9-3. License fee.**

(a) The annual fees for the following licenses shall be as set forth in § 23-1-54:

- 1
- (1) Instate wholesale frozen dessert processors;
- 2
- (2) Out of state wholesale frozen dessert processors; and
- 3
- (3) Retail frozen dessert processors.

4

(b) Where a retail frozen dessert processor is also registered as a food service establishment

5

under §21-27-10 within a single location, the business shall not be required to pay more than one

6

single fee for the highest classified activity listed in §21-27-10(e) or subsection (a) of this section.

7

SECTION 26. Section 21-27-11.5 of the General Laws in Chapter 21-27 entitled

8

“Sanitation in Food Establishments” is hereby amended to read as follows:

9

**21-27-11.5. Recertification – Renewal.**

10

Every holder of a certificate issued pursuant to these sections shall ~~triennially~~, every five

11

years, present evidence to the division of continued eligibility as established by regulations. All

12

certificates issued pursuant to these sections shall expire ~~triennially~~ every five years on a date as

13

established in the rules and regulations unless sooner suspended or revoked. Application for

14

certification renewal shall be made as described in the rules and regulations. A ~~triennial~~ renewal

15

fee shall be required every five years. Managers of municipal or state food establishments shall be

16

exempt from payment of the fee set forth in this section.

17

SECTION 27. Section 23-1-54 of the General Laws in Chapter 23-1 entitled “Department

18

of Health” is hereby amended to read as follows:

19

**23-1-54. Fees payable to the department of health.**

20

Fees payable to the department shall be as follows:

PROFESSION	RIGL Section	Description of Fee	FEE
<del>Barbers/hairdressers</del>	<del>5-10-10(a)</del>	<del>Renewal application</del>	<del>\$25.00</del>
<del>Barbers/hairdressers</del>	<del>5-10-10(a)</del>	<del>Renewal application:</del>	
<del>Manicuring</del>		<del>Instructors and manicurists</del>	<del>\$25.00</del>
<del>Barbers/hairdressers</del>	<del>5-10-10(b)</del>	<del>Minimum late renewal fee</del>	<del>\$25.00</del>
<del>Barbers/hairdressers</del>	<del>5-10-10(b)</del>	<del>Maximum late renewal fee</del>	<del>\$100.00</del>
<del>Barbers/hairdressers</del>	<del>5-10-11(c)</del>	<del>Application fee</del>	<del>\$25.00</del>
<del>Barbers/hairdressers</del>	<del>5-10-11(c)</del>	<del>Application fee: manicuring</del>	
		<del>Instructors and manicurists</del>	<del>\$25.00</del>
<del>Barbers/hairdressers</del>	<del>5-10-13</del>	<del>Demonstrator's permit</del>	<del>\$90.00</del>
<del>Barbers/hairdressers</del>	<del>5-10-15</del>	<del>Shop license: initial</del>	<del>\$170.00</del>
<del>Barbers/hairdressers</del>	<del>5-10-15</del>	<del>Shop license: renewal</del>	<del>\$170.00</del>
<del>Barbers/hairdressers</del>	<del>5-10-15(b)</del>	<del>Initial: per licensed chair/station</del>	<del>\$50.00</del>
Veterinarians	5-25-10	Application fee	\$40.00

1	Veterinarians	5-25-11	Examination fee	\$540.00
2	Veterinarians	5-25-12(a)	Renewal fee	\$580.00
3	Veterinarians	5-25-12[c]	Late renewal fee	\$120.00
4	Podiatrists	5-29-7	Application fee	\$240.00
5	Podiatrists	5-29-11	Renewal fee: minimum	\$240.00
6	Podiatrists	5-29-11	Renewal fee: maximum	\$540.00
7	Podiatrists	5-29-13	Limited registration	\$65.00
8	Podiatrists	5-29-14	Limited registration:	
9			Academic faculty	\$240.00
10	Podiatrists	5-29-14	Application fee:	
11			Renewal minimum	\$240.00
12	Podiatrists	5-29-14	Application fee:	
13			Renewal maximum	\$440.00
14	Chiropractors	5-30-6	Examination fee:	\$210.00
15	Chiropractors	5-30-7	Examination exemption fee:	\$210.00
16	Chiropractors	5-30-8(b)	Exam Physiotherapy	\$210.00
17	Chiropractors	5-30-8(b)	Exam chiro and physiotherapy	\$210.00
18	Chiropractors	5-30-12	Renewal fee	\$210.00
19	Dentists/dental hygienists	5-31.1-6(d)	Dentist: application fee	\$965.00
20	Dentists/dental hygienists	5-31.1-6(d)	Dental hygienist: application fee	\$65.00
21	Dentists/dental hygienists	5-31.1-6(d)	Reexamination: dentist	\$965.00
22	Dentists/dental hygienists	5-31.1-6(d)	Reexamination: hygienist	\$65.00
23	Dentists/dental hygienists	5-31.1-21(b)	Reinstatement fee dentist	\$90.00
24	Dentists/dental hygienists	5-31.1-21(b)	Reinstatement fee hygienist	\$90.00
25	Dentists/dental hygienists	5-31.1-21(c)	Inactive status: dentist	\$220.00
26	Dentists/dental hygienists	5-31.1-21(c)	Inactive status: hygienist	\$40.00
27	Dentists/dental hygienists	5-31.1-22	Limited registration	\$65.00
28	Dentists/dental hygienists	5-31.1-23[c]	Limited reg:	
29			Academic faculty	\$965.00
30	Dentists/dental hygienists	5-31.1-23[c]	Limited reg:	
31			Academic faculty renewal	\$500.00
32	<del>Electrolysis</del>	<del>5-32-3</del>	<del>Application fee</del>	<del>\$25.00</del>
33	<del>Electrolysis</del>	<del>5-32-6(b)</del>	<del>Renewal fee</del>	<del>\$25.00</del>
34	<del>Electrolysis</del>	<del>5-32-7</del>	<del>Reciprocal license fee</del>	<del>\$25.00</del>

1	<del>Electrolysis</del>	<del>5-32-17</del>	<del>Teaching license</del>	<del>\$25.00</del>
2	<del>Funeral directors/embalmers</del>	<del>5-33.2-12</del>	<del>Funeral establishment license</del>	<del>\$120.00</del>
3	<del>Funeral services establishments</del>			
4	<del>Funeral directors/embalmers</del>	<del>5-33.2-15</del>	<del>Renewal: funeral/director</del>	<del>\$90.00</del>
5	<del>funeral services establishments embalmer</del>			<del>\$30.00</del>
6	<del>Funeral directors/embalmers</del>	<del>5-33.2-12</del>	<del>Funeral branch ofc license</del>	<del>\$90.00</del>
7	<del>Funeral directors/embalmers</del>	<del>5-33.2-13.1</del>	<del>Crematories: application fee</del>	<del>\$120.00</del>
8	<del>Funeral services establishments——</del>			
9	<del>Funeral directors/embalmers</del>	<del>5-33.2-15</del>	<del>Renewal: funeral/director</del>	
10	<del>Funeral Svcs establishments establishment</del>			<del>\$120.00</del>
11	<del>Funeral directors/embalmers</del>	<del>5-33.2-15</del>	<del>Additional branch office</del>	
12	<del>Funeral services Establishments licenses</del>			<del>\$120.00</del>
13	<del>Funeral directors/embalmers</del>	<del>5-33.2-15</del>	<del>Crematory renewal fee</del>	
14	<del>Funeral svcs establishments</del>			<del>\$120.00</del>
15	<del>Funeral directors/embalmers</del>	<del>5-33.2-15</del>	<del>Late renewal fee</del>	
16	<del>Funeral svcs establishments (All license types)</del>			<del>\$25.00</del>
17	<del>Funeral directors/embalmers</del>	<del>5-33.2-16(a)</del>	<del>Intern registration fee</del>	
18	<del>Funeral Services establishments</del>			<del>\$25.00</del>
19	Nurses	5-34-12	RN Application fee	\$135.00
20	Nurses	5-34-16	LPN Application fee	\$45.00
21	Nurses	5-34-19	Renewal fee: RN	\$135.00
22	Nurses	5-34-19	Renewal fee: LPN	\$45.00
23	Nurses	5-34-37	RNP application fee	\$80.00
24	Nurses	5-34-37	RNP renewal fee	\$80.00
25	Nurses	5-34-37	RNP prescriptive privileges	\$65.00
26	Nurses	5-34-40.3	Clin nurse spec application	\$80.00
27	Nurses	5-34-40.3	Clin nurse spec renewal	\$80.00
28	Nurses	5-34-40.3	Clin nurse spec Rx privilege	\$65.00
29	Nurse anesthetists	5-34.2-4(a)	CRNA application fee	\$80.00
30	Nurse anesthetists	5-34.2-4(b)	CRNA renewal fee	\$80.00
31	Optometrists	5-35.1-4	Application fee	\$280.00
32	Optometrists	5-35.1-7	Renewal fee	\$280.00
33	Optometrists	5-35.1-7	Late fee	\$90.00
34	Optometrists	5-35.1-7	Reactivation of license fee	\$65.00



1	Optometrists	5-35.1-19(b)	Violations of section	\$650.00
2	Optometrists	5-35.1-20	Violations of chapter	\$260.00
3	Opticians	5-35.2-3	Application fee	\$30.00
4	Physicians	5-37-2	Application fee	\$1,090.00
5	Physicians	5-37-2	Re-examination fee	\$1,090.00
6	Physicians	5-37-10(b)	Late renewal fee	\$170.00
7	Physicians	5-37-16	Limited registration fee	\$65.00
8	Physicians	5-37-16.1	Ltd reg: academic faculty	\$600.00
9	Physicians	5-37-16.1	Ltd reg: academic	
10			Faculty renewal	\$170.00
11	Acupuncture	5-37.2-10	Application fee	\$310.00
12	Acupuncture	5-37.2-13(4)	Acupuncture assistant	\$310.00
13			Licensure fee	\$170.00
14	Social workers	5-39.1-9	Application fee	\$70.00
15	Social workers	5-39.1-9	Renewal fee	\$70.00
16	Physical therapists	5-40-8	Application fee	\$155.00
17	Physical therapists	5-40-8.1	Application:	
18			physical therapy assistants	\$50.00
19	Physical therapists	5-40-10(a)	Renewal fee:	
20			Physical therapists	\$155.00
21	Physical therapists	5-40-10(a)	Renewal fee: Physical therapy	
22			assistants	\$50.00
23	Physical therapists	5-40-10[c]	Late renewals	\$50.00
24				
25	Occupational therapists	5-40.1-12(2)	Renewal fee	\$140.00
26	Occupational therapists	5-40.1-12(5)	Late renewal fee	\$50.00
27	Occupational therapists	5-40.1-12(b)	Reactivation fee	\$140.00
28	Occupational therapists	5-40.1-13	Application fee	\$140.00
29	Psychologists	5-44-12	Application fee	\$230.00
30	Psychologists	5-44-13	Temporary permit	\$120.00
31	Psychologists	5-44-15[c]	Renewal fee	\$230.00
32	Psychologists	5-44-15(e)	Late renewal fee	\$50.00
33	Nursing home administrators	5-45-10	Renewal fee	\$160.00
34	<del>Speech pathologist/audiologists</del>	<del>5-48-1(14)</del>	<del>Speech lang support personnel:</del>	

1			late filing	\$90.00
2	<del>Speech pathologist/audiologists</del>	<del>5-48-9(a)</del>	<del>Application fee: Audiologist</del>	<del>\$65.00</del>
3	<del>Speech pathologist/audiologists</del>	<del>5-48-9(a)</del>	<del>Application fee:</del>	
4			speech Pathologist	\$145.00
5	<del>Speech pathologist/audiologists</del>	<del>5-48-9(a)</del>	<del>Renewal fee: Audiologist</del>	<del>\$65.00</del>
6	<del>Speech pathologist/audiologists</del>	<del>5-48-9(a)</del>	<del>Renewal fee: Speech</del>	
7			Pathologist	\$145.00
8	<del>Speech pathologist/audiologists</del>	<del>5-48-9(a)</del>	<del>Provisional license: renewal fee</del>	<del>\$65.00</del>
9	<del>Speech pathologist/audiologists</del>	<del>5-48-9(b)</del>	<del>Late renewal fee</del>	<del>\$50.00</del>
10	<del>Speech pathologist/audiologists</del>	<del>5-48-9(d)(1)</del>	<del>Reinstatement fee: audiologist</del>	<del>\$65.00</del>
11	<del>Speech pathologist/audiologists</del>	<del>5-48-9(d)(1)</del>	<del>Reinstatement fee: audiologist</del>	<del>\$65.00</del>
12			speech pathologists	\$145.00
13			personnel: late filing	\$65.00
14	<del>Hearing aid dealers/fitters</del>	<del>5-49-6(a)</del>	<del>License endorsement</del>	
15			Examination fee	\$25.00
16	<del>Hearing aid dealers/fitters</del>	<del>5-49-8(b)</del>	<del>Temporary permit fee</del>	<del>\$25.00</del>
17	<del>Hearing aid dealers/fitters</del>	<del>5-49-8(d)</del>	<del>Temporary permit renewal fee</del>	<del>\$35.00</del>
18	<del>Hearing aid dealers/fitters</del>	<del>5-49-11(1)</del>	<del>License fee</del>	<del>\$25.00</del>
19	<del>Hearing aid dealers/fitters</del>	<del>5-49-11(b)</del>	<del>License renewal fee</del>	<del>\$25.00</del>
20	<del>Hearing aid dealers/fitters</del>	<del>5-49-11[c]</del>	<del>License renewal late fee</del>	<del>\$25.00</del>
21	Physician assistants	5-54-9(4)	Application fee	\$110.00
22	Physician assistants	5-54-11(b)	Renewal fee	\$110.00
23	Orthotics/prosthetic practice	5-59.1-5	Application fee	\$120.00
24	Orthotics/prosthetic practice	5-59.1-12	Renewal fee	\$120.00
25	<del>Athletic trainers</del>	<del>5-60-11</del>	<del>Application fee</del>	<del>\$60.00</del>
26	<del>Athletic trainers</del>	<del>5-60-11</del>	<del>Renewal fee</del>	<del>\$60.00</del>
27	<del>Athletic trainers</del>	<del>5-60-11</del>	<del>Late renewal fee</del>	<del>\$25.00</del>
28	Mental health counselors	5-63.2-16	Application fee: marriage	
29	Marriage and family therapists		Family therapist	\$130.00
30	Mental health counselors	5-63.2-16	Application fee: mental	
31	Marriage and family therapists		Health counselors	\$70.00
32	Mental health counselors	5-63.2-16	Reexamination fee:	
33	Marriage and family therapists		Marriage/family therapist	\$130.00
34	Mental health counselors	5-63.2-16	Reexamination fee:	

1	Marriage and family therapists		Mental health counselors	\$ 70.00
2	Mental health counselors	5-63.2-17(a)	Renewal fee: marriage	
3	Marriage and Family therapists		Family therapist	\$130.00
4	Mental health counselors	5-63.2-17(a)	Renewal fee:	
5	Marriage and Family therapist		Mental health counselor	\$50.00
6	Mental health counselors	5-63.2-17(b)	Late renewal fee	
7	Marriage and Family therapist		Marriage and family therapist	\$90.00
8	Dieticians/nutritionists	5-64-6(b)	Application fee	\$75.00
9	Dieticians/nutritionists	5-64-7	Graduate status:	
10			Application fee:	\$75.00
11	Dieticians/nutritionists	5-64-8	Renewal fee	\$75.00
12	Dieticians/nutritionists	5-64-8	Reinstatement fee	\$75.00
13	Radiologic technologists	5-68.1-10	Application fee maximum	\$190.00
14	Licensed chemical dependency professionals	5-69-9	Application	fee
15				\$75.00
16	Licensed chemical dependency professionals	5-69-9	Renewal	fee
17				\$75.00
18	Licensed chemical	5-69-9	Application fee	\$75.00
19	Licensed chemical	5-69-9	Application fee	\$75.00
20	dependency clinical supervisor			
21	Licensed chemical	5-69-9	Renewal fee	\$75.00
22	dependency clinical supervisor			
23	<del>Deaf interpreters</del>	<del>5-71-8(3)</del>	<del>License fee maximum</del>	<del>\$25.00</del>
24	<del>Deaf interpreters</del>	<del>5-71-8(3)</del>	<del>License renewal fee</del>	<del>\$25.00</del>
25	Milk producers	21-2-7(g)(1)	In-state milk processor	\$160.00
26	Milk producers	21-2-7(g)(2)	Out-of-state milk processor	\$160.00
27	Milk producers	21-2-7(g)(3)	Milk distributors	\$160.00
28	Frozen desserts	21-9-3(1)	In-state wholesale	\$550.00
29	Frozen desserts	21-9-3(2)	Out-of-state wholesale	\$160.00
30	Frozen desserts	21-9-3(3)	Retail frozen dess processors	\$160.00
31	Meats	21-11-4	Wholesale	\$160.00
32	Meats	21-11-4	Retail	\$40.00
33	Shellfish packing houses	21-14-2	License fee:	
34			Shipper/reshipper	\$320.00

1	Shellfish packing houses	21-14-2	License fee:	
2			Shucker packer/repacker	\$390.00
3	Non-alcoholic bottled	21-23-2	Bottler permit	
4	Beverages, Drinks & juices			\$550.00
5	Non-alcoholic bottled	21-23-2	Bottle apple cider fee	
6	beverages, drinks and juices			\$60.00
7	Farm home food manufacturers	21-27-6.1(4)	Registration fee	\$65.00
8	Food businesses	21-27-10(e)(1)	Food processors wholesale	\$500.00 \$300.00
9	Food businesses	21-27-10(e)(2)	Food processors retail	\$120.00
10	Food businesses	21-27-10(e)(3)	Food service establishments	
11			>50 seats	\$160.00
12	Food businesses	21-27-10(e)(3)	Food service establishments	
13			>50 seats	\$240.00
14	Food businesses	21-27-10(e)(3)	Mobile food service units	\$100.00
15	Food businesses	21-27-10(e)(3)	Industrial caterer or food vending	
16			Machine commissary	\$280.00
17	Food businesses	21-27-10(e)(3)	Cultural heritage educational	
18			Facility	\$ 80.00
19	Food businesses	21-27-10(e)(4)	Vending Machine Location	
20			> 3 units	\$50.00
21	Food businesses	21-27-10(e)(4)	Vending Machine	
22			Location 4-10 units	\$100.00
23	Food businesses	21-27-10(e)(4)	Vending Machine Location	= 11 units
24				\$120.00
25	Food businesses	21-27-10(e)(5)	Retail Mkt	
26			1-2 cash registers	\$120.00
27	Food businesses	21-27-10(e)(5)	Retail Market	
28			3-5 cash registers	\$240.00
29	Food businesses	21-27-10(e)(5)	Retail Market = 6	
30			Cash registers	\$510.00
31	Food businesses	21-27-10(e)(6)	Retail food peddler	\$100.00
32	Food businesses	21-27-10(e)(7)	Food warehouses	\$190.00
33	Food businesses	21-27-11.2	Certified food safety mgr	\$50.00
34	License verification fee	23-1-16.1	All license types	\$50.00

1	Tattoo and body piercing	23-1-39	Annual registration fee:	
2			Person	\$90.00
3	Tattoo and body piercing	23-1-39	Annual registration fee:	
4			establishment	\$90.00
5	Vital records	23-3-25(a)(1)	Certificate of birth, fetal death,	
6			Death, marriage, birth, or	
7			Certification that such record	
8			Cannot be found	\$20.00
9	Vital records	23-3-25(a)(1)	Each duplicate of certificate	
10			of birth, fetal death, death, marriage,	
11			Birth, or certification that such record	
12			cannot be found	\$15.00
13	Vital records	23-3-25(a)(2)	Each additional calendar year	
14			Search, if within 3 months of	
15			original search and if receipt of original	
16			search presented	\$2.00
17	Vital records	23-3-25(a)(3)	Expedited service	\$7.00
18	Vital records	23-3-25(a)(4)	Adoptions, legitimations, or	
19			Paternity determinations	\$15.00
20	Vital records	23-3-25(a)(5)	Authorized corrections,	
21			Alterations, and additions	\$10.00
22	Vital records	23-3-25(a)(6)	Filing of delayed record and	
23			Examination of documentary	
24			Proof	\$20.00
25	Vital records	23-3-25(a)(6)	Issuance of certified copy	
26			of a delayed record	\$20.00
27	Medical Examiner	23-4-13	Autopsy reports	\$40.00
28	Medical Examiner	23-4-13	Cremation certificates	
29			and statistics	\$30.00
30	Medical Examiner	23-4-13	Testimony in civil suits:	
31			Minimum/day	\$650.00
32	Medical Examiner	23-4-13	Testimony in civil suits:	
33			Maximum/day	\$3,250.00
34	Emergency medical technicians	23-4.1-10[c]	Annual fee: ambulance	

1			Service maximum	\$540.00
2	Emergency medical technicians	23-4.1-10[c]	Annual fee: vehicle license	
3			maximum	\$275.00
4	Emergency medical technicians	23-4.1-10[c]	Triennial fee: EMT license	
5			maximum	\$120.00
6	Emergency medical technicians	23-4.1-10(2)	Exam fee maximum: EMT	\$120.00
7	Emergency medical technicians	23-4.1-10(2)	Vehicle inspection	
8			Maximum	\$190.00
9	Clinical laboratories	23-16.2-4(a)	Clinical laboratory license	
10			per specialty	\$650.00
11	Clinical laboratories	23-16.2-4(a)	Laboratory station license	\$650.00
12	Clinical laboratories	23-16.2-4(b)	Permit fee	\$70.00
13	Health care facilities	23-17-38	Hospital: base fee annual	\$16,900.00
14	Health care facilities	23-17-38	Hospital: annual per bed fee	\$120.00
15	Health care facilities	23-17-38	ESRD: annual fee	\$3,900.00
16	Health care facilities	23-17-38	Home nursing-care/home	
17			care providers	\$650.00
18	Health care facilities	23-17-38	OACF: annual fee	\$650.00
19	Assisted living residences/	23-17.4-15.2(d)	License application fee:	\$220.00
20	administrators			
21	Assisted living residences/	23-17.4-15.2(d)	License renewal fee:	\$220.00
22	administrators			
23	Assisted living residences	23-17.4-31	Annual facility fee: base	\$330.00
24	Assisted living residences	23-17.4-31	Annual facility per bed	\$70.00
25	Nursing assistant registration	23-17.9-3	Application: competency	
26			evaluation training	
27			program maximum	\$325.00
28	Nursing assistant registration	23-17.9-5	Application fee	\$35.00
29	Nursing assistant registration	23-17.9-5	Exam fee: skills proficiency	\$170.00
30	Nursing assistant registration	23-17.9-6	Registration fee	\$35.00
31	Nursing assistant registration	23-17.9-7	Renewal fee	\$35.00
32	Sanitarians	23-19.3-5(a)	Registration fee	\$25.00
33	Sanitarians	23-19.3-5(b)	Registration renewal	\$25.00
34	Massage therapy	23-20.8-3(e)	Massage therapist appl fee	\$65.00

1	Massage therapy	23-20.8-3(e)	Massage therapist renewal fee	\$65.00
2	Recreational facilities	23-21-2	Application fee	\$160.00
3	Swimming pools	23-22-6	Application license:	
4			first pool	\$250.00
5	Swimming pools	23-22-6	Additional pool	
6			fee at same location	\$75.00
7	Swimming pools	23-22-6	Seasonal application license:	
8			first pool	\$150.00
9	Swimming pools	23-22-6	Seasonal additional pool	
10			fee at same location	\$75.00
11	Swimming pools	23-22-6	Year-round license	
12			for non-profit	\$25.00
13	Swimming pools	23-22-10	Duplicate license	\$2.00
14	Swimming pools	23-22-12	Penalty for violations	\$50.00
15	Respiratory care practitioners	23-39-11	Application fee	\$60.00
16	Respiratory care practitioners	23-39-11	Renewal fee	\$60.00

17           SECTION 28. Section 23-20.8-5 of the General Laws in Chapter 23-20.8 entitled  
18 “Licensing of Massage Therapists” is hereby amended to read as follows:

19           **23-20.8-5. Application for license – Issuance or denial of license – Minimum**  
20 **qualifications.**

21           (a) Every person desiring to begin the practice of massage therapy, except exempt persons  
22 as provided in this chapter, shall present satisfactory evidence to the division of professional  
23 regulation of the department of health, ~~verified by oath~~, that he or she is:

24           (1) Over eighteen (18) years of age; (2) Of good moral character (via background check in  
25 accordance with § 23-20.8-3); (3) Has successfully completed an educational program, meeting  
26 minimum requirements established by the board, including at least five hundred (500) hours of in-  
27 class, hands-on and supervised coursework and clinical work; and

28           (4) Has successfully completed an examination approved by the board. Any examination  
29 approved by the board must meet generally recognized standards including development through  
30 the use of a job-task analysis and must meet appropriate psychometric standards.

31           (b) The department may grant a license to any applicant satisfying the requirements of  
32 subdivisions 23-20.8-5(a)(1) and (2), has completed all appropriate forms, paid all appropriate fees  
33 and has met substantially equivalent standards in obtaining a valid license, permit, certificate or  
34 registration issued by any other state or territory of the United States or by a foreign country.



1 (c) The department shall, within sixty (60) days from the time any application for a license  
2 is received, grant the applications and issue a license to practice massage for a year from that date  
3 if the department is satisfied that the applicant complies with the rules and regulations promulgated  
4 in accordance with this chapter. An applicant, whose criminal records check reveals a conviction  
5 for any sexual offense, including, but not limited to, those offenses defined in chapters 34 and 37  
6 of title 11, shall be denied a license under this chapter.

7 (d) The fee for original application for licensure as a massage therapist and the fee for  
8 annual license renewal shall be determined by the board and shall not exceed one hundred dollars  
9 (\$100).

10 SECTION 29. Sections 23-20.8.1-1 and 23-20.8.1-6 of the General Laws in Chapter 23-  
11 20.8.1 entitled "Registration of Music Therapists" are hereby amended to read as follows:

12 **23-20.8.1-1. Definitions.**

13 As used in this chapter:

14 (1) "Board certified music therapist" means an individual who has completed the education  
15 and clinical training requirements established by the American Music Therapy Association; has  
16 passed the certification board for music therapists certification examination; or transitioned into  
17 board certification, and remains actively certified by the certification board for music therapists.

18 (2) "Music therapist" means a person registered to practice music therapy pursuant to this  
19 chapter.

20 (3) "Music therapy" means the clinical and evidence based use of music interventions to  
21 accomplish individualized goals within a therapeutic relationship through an individualized music  
22 therapy treatment plan for the client that identifies the goals, objectives, and potential strategies of  
23 the music therapy services appropriate for the client using music therapy interventions, which may  
24 include music improvisation, receptive music listening, song writing, lyric discussion, music and  
25 imagery, music performance, learning through music, and movement to music. Music therapy is a  
26 distinct and separate profession from other licensed, certified, or regulated professions, including  
27 speech-language pathology. The practice of music therapy does not include the diagnosis of any  
28 physical, mental, or communication disorder. This term may include:

29 (i) Accepting referrals for music therapy services from medical, developmental, mental  
30 health, or education professionals; family members; clients; or caregivers. Before providing music  
31 therapy services to a client for a medical, developmental, or mental health condition, the registrant  
32 shall collaborate, as applicable, with the client's physician, psychologist, or mental health  
33 professional to review the client's diagnosis, treatment needs, and treatment plan. During the  
34 provision of music therapy services to a client, the registrant shall collaborate, as applicable, with

1 the client's treatment team;

2 (ii) Conducting a music therapy assessment of a client to collect systematic,  
3 comprehensive, and accurate information necessary to determine the appropriate type of music  
4 therapy services to provide for the client;

5 (iii) Developing an individualized music therapy treatment plan for the client;

6 (iv) Carrying out an individualized music therapy treatment plan that is consistent with any  
7 other medical, developmental, mental health, or educational services being provided to the client;

8 (v) Evaluating the client's response to music therapy and the individualized music therapy  
9 treatment plan and suggesting modifications, as appropriate;

10 (vi) Developing a plan for determining when the provision of music therapy services is no  
11 longer needed in collaboration with the client, any physician, or other provider of healthcare or  
12 education of the client, any appropriate member of the family of the client, and any other  
13 appropriate person upon whom the client relies for support;

14 (vii) Minimizing any barriers so that the client may receive music therapy services in the  
15 least restrictive environment; and

16 (viii) Collaborating with and educating the client and the family or caregiver of the client  
17 or any other appropriate person about the needs of the client that are being addressed in music  
18 therapy and the manner in which the music therapy addresses those needs.

19 (4) "Office" means the department of ~~health~~[business regulation](#).

20 (5) "Director" means the director of the department of ~~health~~[business regulation](#) or his or  
21 her designee.

22 **23-20.8.1-6. Rules and regulations.**

23 The director is authorized to adopt, modify, repeal, and promulgate rules and regulations  
24 in accordance with the purposes of this chapter, and only after procedures in accordance with the  
25 administrative procedures act (chapter 35 of title 42) have been followed. The director is further  
26 authorized to assess fees for registrations [as set by the department](#) ~~issued in accordance with rules~~  
27 ~~and regulations promulgated pursuant to the authority conferred by this chapter, provided that those~~  
28 ~~fees are assessed only after procedures in accordance with the administrative procedures act~~  
29 ~~(chapter 35 of title 42) have been followed. All fees shall be deposited into the general fund as~~  
30 ~~general revenue.~~

31 SECTION 30. Section 31-44-17 of the General Laws in Chapter 31-44 entitled "Mobile  
32 and Manufactured Homes" is hereby amended to read as follows:

33 **31-44-17. Filing of complaint with department – Notice – Rules of evidence not**  
34 **binding.**

1 (a) Any resident of a mobile and manufactured housing park or any owner of a mobile and  
2 manufactured housing park may petition the director by filing a complaint with the department of  
3 business regulation, ~~and paying a twenty five dollar (\$25.00) filing fee which shall be used to~~  
4 ~~defray the costs of the director. The filing fee may be waived by the director if he or she or his or~~  
5 ~~her agent determines that the fee will cause an unfair financial burden on the petitioner.~~ After  
6 review of the claim and a decision by the director that the matter has merit and is not frivolous, the  
7 director shall schedule a hearing within sixty (60) days from receipt of the claim. If the director  
8 finds the claim to be without merit or to be frivolous, the director shall dismiss the complaint and  
9 explain in writing to the complainant his or her reasons for dismissing the complaint.

10 (b) The director or his or her agent shall serve notice, in writing, of the time and place of  
11 the hearing upon all appropriate parties at least twenty (20) days prior to the date of the hearing.  
12 Both parties to the complaint may be represented by counsel.

13 (c) The director or his or her agent shall not be bound by common law or statutory rules of  
14 evidence but may admit all testimony having a reasonable probative value. Complaints filed shall  
15 be handled in accordance with the departments' rules of practice and the Administrative Procedures  
16 Act, chapter 35 of title 42. It may exclude evidence which, in the opinion of the director or his or  
17 her agent, is immaterial, irrelevant, or unduly repetitious.

18 SECTION 31. Section 39-12-7 of the General Laws in Chapter 39-12 entitled "Motor  
19 Carriers of Property" is hereby amended to read as follows:

20 **39-12-7. Issuance of certificate to common carrier.**

21 A certificate shall be issued by the administrator, after a hearing, to any qualified applicant  
22 therefor, authorizing the whole or any part of the operations covered by the application, if it is  
23 found that the applicant is fit, willing, and able properly to perform the service proposed and to  
24 conform to the provisions of this chapter and the requirements, orders, rules, and regulations of the  
25 administrator thereunder, ~~and that the proposed service, to the extent to be authorized by the~~  
26 ~~certificate, is or will be required by the present or future public convenience and necessity;~~  
27 otherwise the application shall be denied. Any certificate issued under this chapter shall specify the  
28 service to be rendered, ~~and the routes over which, the fixed termini, if any, between which, if any,~~  
29 ~~at which, and, in case of operations not over specified routes or between fixed termini, the points~~  
30 ~~and places within which, or between which the motor carrier is authorized to operate; and there~~  
31 ~~shall, at the time of the issuance and from time to time thereafter, be attached to the exercise of the~~  
32 ~~privileges granted by the certificate such reasonable terms, conditions, and limitations as the public~~  
33 ~~convenience and necessity may from time to time require; provided, however, that no terms,~~  
34 ~~conditions, or limitations shall restrict the right of the carrier to add to his or her or its equipment~~

1 ~~and facilities, between which or within the territory specified in the certificate as the development~~  
2 ~~of the business and the demands of the business shall require.~~ Certificates issued under this chapter  
3 shall be renewed before the close of business on December 31 of each calendar year. The renewal  
4 fee shall be one hundred dollars (\$100) and shall be submitted with the renewal form. All revenues  
5 received under this section shall be deposited as general revenues. No certificate shall be issued to  
6 a common carrier by motor vehicle or, when issued, shall remain in force authorizing the  
7 transportation of property over the publicly used highways of this state, unless the rates and charges  
8 upon which the property is transported by the carrier shall have been published in the tariff and  
9 filed with the administrator in accordance with this chapter.

10 SECTION 32. Section 44-19-1 of the General Laws in Chapter 44-19 entitled “Sales and  
11 Use Taxes – Enforcement and Collection” is hereby amended to read as follows:

12 **44-19-1. Annual permit required – Retail business subject to sales tax – Promotion of**  
13 **shows – Revocation of show permit.**

14 (a)(1) Every person desiring to engage in or conduct within this state a business of making  
15 sales at retail, or engage in a business of renting living quarters in any hotel, rooming house, or  
16 tourist camp, the gross receipts from which sales or rental charges are required to be included in  
17 the measure of the tax imposed under chapter 18 of this title, shall file with the tax administrator  
18 an application for a permit for each place of business. The application shall be in a form, include  
19 information, and bear any signatures that the tax administrator may require. At the time of making  
20 an application, the applicant shall pay to the tax administrator a permit fee of ten dollars (\$10.00)  
21 for each permit. Every permit issued under this chapter expires on June 30 of each year or at any  
22 other date as determined by the tax administrator.

23 (2) Every permit holder shall annually, on or before February 1 of each year, or at any other  
24 date as determined by the tax administrator, renew its permit by filing an application for renewal  
25 along with a ten dollar (\$10.00) renewal fee. The renewal permit is valid for the period July 1 of  
26 that calendar year through June 30 of the subsequent calendar year, or for any other period as  
27 determined by the tax administrator, unless otherwise canceled, suspended or revoked. All fees  
28 received under this section are allocated to the tax administrator for enforcement and collection of  
29 all taxes.

30 (b) Every promoter of a show shall, at least ten (10) days prior to the opening of each show,  
31 file with the tax administrator a notice stating the location and dates of the show, in a form  
32 prescribed by the tax administrator.

33 (2) The tax administrator shall, within five (5) days after the receipt of that notice, issue to  
34 the promoter, without charge, a permit to operate the show, unless the provisions of subdivision (5)

1 of this subsection have been applied to the promoter. No promoter may operate a show without  
2 obtaining the permit. The permit shall be prominently displayed at the main entrance of the show.

3 (3) Any promoter who is a retailer shall comply with all of the provisions of this chapter  
4 and chapter 18 relating to retailers, in addition to all of the provisions of this chapter relating to  
5 promoters.

6 (4) A promoter may not permit any person to display or sell tangible personal property,  
7 services, or food and drink at a show unless that person is registered under subsection (a) of this  
8 section and displays his or her permit in accordance with the provisions of subsection (a) of this  
9 section.

10 (5) Any promoter who permits any person to display or sell tangible personal property,  
11 services, or food and drink at a show who is not registered, or does not display a permit, or fails to  
12 keep a record or file a monthly report of the name, address and permit number of every person  
13 whom the promoter permitted to sell or display tangible personal property, services, or food and  
14 drink at a show, is subject to revocation of all existing permits issued pursuant to this section to  
15 operate a show, and to the denial of a permit to operate any show for a period of not more than two  
16 (2) years, in addition to the provisions of § 44-19-31.

17 SECTION 33. This Article shall take effect July 1, 2018.